

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SANTA BARBARA

3

4

5 Coordination Proceeding Special)
Title (Rule 1550(b)))

6)
In re Tobacco Cases II)

7)
)

8 The People of the State of)
California, et al. v. Brown &)
9 Williamson Tobacco Corp., et al.)
(SF No. 996781))

10)

And) JCCP No. 4042

11)

People of the State of California,)
12 et al. v. Philip Morris Inc.,)
et al. (LA No. BC 194217))

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18 Deposition of DAWN DUNN, a Witness, taken on

19 behalf of Defendants, at 9:40 a.m., Monday, April 3,

20 2000, at 411 East Carrillo Street, Santa Barbara,

21 California, before KELLY D. TAYLOR, CSR 10808,

22 Certified Shorthand Reporter for the State of

23 California.

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3 (NO APPEARANCE)

4

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1 DAWN DUNN,
2 a Witness herein, having been first duly sworn by the
3 Certified Shorthand Reporter, testified as follows:

4
5 EXAMINATION

6 BY MR. L'ORANGE:

7 Q. Could I have your name for the record,
8 please.

9 A. Dawn M. Dunn.

10 Q. Okay. Ms. Dunn, we're going to be here
11 today to take your deposition.

12 Now, have you had an opportunity to meet
13 with any lawyers at all to discuss what the proceeding
14 is and what's going to take place today?

15 A. No.

16 Q. Have you met with any lawyers at all to
17 discuss what a deposition is?

18 A. I'm aware of what a deposition is.

19 Q. Okay. Have you had your deposition taken
20 before?

21 A. Yes.

22 Q. How many times?

23 A. Once.

24 Q. And about how long ago was that?

25 A. It was in a personal matter about three

26 years ago.

27 Q. Okay. Let me review the proceeding with you
28 this morning to make sure that you and I are operating

4

1 on the same wavelength and answer any questions you
2 may have about the proceeding.

3 I will ask you a series of questions, and I
4 would request that you respond back to me out loud and
5 in words. The lady sitting to my left and your right
6 is a court reporter. She takes down everything that
7 you and I say in the proceeding. So it's important
8 that your answers be audible and that you use words.
9 Please, if you would, try and avoid shakes of the head
10 or response with an "uh-huh" or "huh-uh." There is a
11 chance that it will be recorded inaccurately in the
12 transcript, and everybody wants an accurate
13 recordation of the remarks here today.

14 When you testify you can use normal speaking
15 speed. You don't need to slow it down. We've had a
16 couple of witnesses speak at about three or four words
17 a minute, thinking that the reporter can't get them.
18 She can transcribe very rapidly. You needn't change
19 your speaking cadence.

20 When the deposition is completed, it will be
21 transcribed in a small booklet, and you'll be given
22 any opportunity that you want to review that booklet.
23 You can make any changes to your testimony that you so
24 desire. Now, one thing you should understand,

25 however, is that while you have the right to make any
26 changes that you want to, I or any other attorney, if
27 this matter proceeds to trial and your deposition is
28 introduced as evidence into the court, can comment on

5

1 the changes that you've made, and a judge can draw any
2 inference from our comments that he deems advisable.

3 From time to time, I can assure you that my
4 questions are going to appear to be, and likely will
5 be, ill-conceived, ill-organized, illogical, and a
6 variety of other things. If my question appears to be
7 confusing to you, stop me; tell me; I'll try and
8 rephrase the question.

9 If my question forces you to guess or
10 speculate, please stop me and tell me. We can't use
11 guess or speculation in the legal record.
12 Accordingly, none of us want it in there. However,
13 from time to time, I may ask you for estimates. And
14 the law does entitle me to get, within the parameters
15 of your recollection, the best estimate that you can
16 give us.

17 Again, if I push you a little bit on the
18 estimate and you feel I'm asking you to guess or
19 speculate, tell me, and we'll try and approach it from
20 another angle or rephrase the question.

21 Because she's taking down everything that we
22 say, it's important that only one person talk at a

23 time; otherwise, it's very hard for her to interject
24 who's speaking and what they're saying. So my deal
25 with you is I promise not to interrupt you if you
26 promise not to interrupt me. Let me get the whole
27 question out, even though you may know where I'm going
28 and you may have a pretty good grasp on what I'm

6

1 asking, let me get it out for the purposes of record,
2 and I will do the same thing with your answer.
3 This is your deposition. You can take a
4 break at any time you want to. Please let me know; we
5 will break from time to time. While the deposition is
6 occurring in a fairly relaxed atmosphere, in other
7 words, a conference room at a court reporter's office,
8 the testimony you give here is the same testimony as
9 if you were sitting in a witness box in the courtroom
10 talking directly to the judge. So any penalties of
11 perjury that would be applicable in that setting are
12 likewise applicable here.

13 Any questions at all about what I've covered
14 so far?

15 A. No.

16 Q. You are currently employed by the County
17 Department of Health Services; would that be true?

18 A. I work for Santa Barbara County Public
19 Health Department, which has undergone a name change.

20 Q. Okay. And -- I'm sorry -- the correct
21 name is Department of Public Health?

22 A. The Santa Barbara County Public Health
23 Department.

24 Q. All right. Now, we issued a subpoena
25 requesting that the County produce the person most
26 knowledgeable about a variety of topics that were set
27 forth in the subpoena. Is it your understanding you
28 are that person?

7

1 A. Yes.

2 Q. Okay. Have you had any discussions with any
3 attorney from the County or from the Public Health
4 Department about what your obligations as a person
5 most knowledgeable are?

6 A. I conferred briefly with County counsel, who
7 is present.

8 Q. Okay. Without telling me the substance of
9 those conversations, have you undertaken any special
10 investigation on your own to review any documents
11 prior to coming to the deposition today?

12 A. No.

13 Q. Have you spoken with anybody within your
14 group or within the department in order to gather
15 information before you came here today?

16 A. No.

17 Q. Did you have an opportunity at any time to
18 review the subpoena that had been issued, specifically
19 Attachment 4, which laid out the documents in the area

20 of questioning?

21 A. At the time of document production, yes.

22 Q. Okay. Now, did you supervise -- let's go
23 back for a minute.

24 I know that there was an initial document
25 production that was done roughly over the late spring
26 and summer of last year. Is that what you're
27 referencing?

28 A. Yes.

8

1 Q. Okay. There was no other attempt to gather
2 any other documents with respect to the subpoena that
3 was served upon you that called for today's
4 deposition?

5 A. That is correct.

6 Q. Okay. Are there any other documents that
7 you're aware of, other than what's already been
8 produced to us?

9 A. None.

10 MR. L'ORANGE: Okay. Can I have this marked
11 as next in order?

12 (Exhibit No. 141 was marked for identification.)

13 Q. BY MR. L'ORANGE: What is the official title
14 of your position that you hold today?

15 A. Program Administrator of the Tobacco
16 Prevention Program.

17 Q. Now, by "Tobacco Prevention Program," you
18 mean the Proposition 99 Program?

19 A. Yes.

20 Q. It is funded through Proposition 99,

21 correct?

22 A. Solely.

23 Q. Do you report to anyone, or essentially does

24 the buck stop with you? Are you the senior person

25 within the County or do you report --

26 A. I report to a supervisor, yes.

27 Q. Who is it you report to?

28 A. Jayne -- and that is J-a-y-n-e -- Brechwald,

9

1 B-r-e-c-h-w-a-l-d.

2 Q. And what does Ms. Brechwald do? What is her

3 position or title?

4 A. Director of Health Promotion and Assessment.

5 Q. Okay. Now, is she employed by the Public

6 Health Department or another agency within the County?

7 A. The Public Health Department.

8 Q. And does she, in turn, report to a

9 supervisor?

10 A. Yes.

11 Q. Who would that be?

12 A. Myrna Gaskin, G-a-s-k-i-n.

13 Q. And Ms. Gaskin's title is?

14 A. She's a division chief. And I'm not --

15 we've had a few changes of title, so --

16 Q. Okay. Your position as program

17 administrator, are you the person who creates the
18 progress reports that are submitted back to the
19 Tobacco Control Section on behalf of the Public Health
20 Department as the local lead agency?

21 A. Yes.

22 Q. Do you also prepare the budgets that are
23 submitted in anticipation of funding for the local
24 lead agency?

25 A. Yes.

26 Q. Who assists you in that, if anyone?

27 A. Staff.

28 Q. Yeah.

10

1 A. You want the specific staff members?

2 Q. Well, let's take budget. Is budget
3 something that's largely your creation, or do you have
4 input from others that help you define how much money
5 is going to be requested from the State, or is there a
6 formula that you use?

7 A. As an LLA, we have an allocation that comes
8 to us from the State.

9 Q. All right. Do you know how that allocation
10 is determined?

11 A. No.

12 Q. Do you have any input to the State at all
13 about whether the allocation should be increased or
14 decreased based on the activities conducted within the
15 County?

16 A. No.

17 Q. Was the allocation generally the same over

18 the last four years?

19 A. Over the last four years, yes.

20 Q. Okay. How about the last six or seven

21 years?

22 A. I'm not -- I don't recall, but I believe

23 there's been a slight decrease.

24 Q. Okay. Any explanation for the decrease?

25 A. Decrease in funds.

26 Q. Any explanation for the decrease in funds

27 that was offered to you?

28 A. The explanations have been varied.

11

1 Q. Okay. Can you give me some idea as to what

2 the gists of the explanations have been?

3 A. It's my understanding that the primary

4 decrease during that time frame was related to a

5 legislative action which routed a third of the LLA

6 funds to the Maternal and Child Health branch.

7 Q. Okay. Now, was that the diversion that

8 occurred in roughly '94 to '96?

9 A. Yes.

10 Q. Okay. Has that diversion of funds been in

11 some way restored or some percentage of those funds

12 been restored?

13 A. Yes.

14 Q. Do you recollect about what time that took
15 place?
16 A. I don't recall.
17 Q. If I suggested 1997, would that refresh your
18 recollection that roughly at or about that time,
19 funding was increased to account for the diversion
20 that had occurred in the prior two years?
21 A. Yes, I believe so.
22 Q. Okay. Were there any other explanations
23 offered to you with respect to decrease in funding,
24 other than the diversion of funds that you told us
25 about?
26 A. Just decrease in general Prop 99 funds based
27 on the tax collected.
28 Q. Okay. Lack of sales, in other words?

12

1 A. Yes.
2 Q. Okay. When did you join the Tobacco
3 Prevention Program for Santa Barbara County?
4 A. July 1990.
5 Q. Okay. So you were one of the very early
6 people involved in the Prop 99 Program?
7 A. Yes.
8 Q. Could you tell me briefly, please, your
9 employment history up to July of 1990?
10 A. Going back how far?
11 Q. Well, let's take it from college forward.
12 A. I'm going to go backwards, best of my

13 recollection. The year prior I worked at the Goleta
14 Valley Community Hospital.

15 Q. Okay. And in what capacity?

16 A. A program administrator.

17 Q. And can you briefly summarize for me the
18 types of programs that you were handling?

19 A. I ran an adolescent chemical dependency
20 program.

21 Q. Now, prior to your work at the community
22 hospital?

23 A. I was the Assistant Director of Personnel at
24 the Red Lion Hotel.

25 Q. Okay. Prior to that?

26 A. I did some sales for a family business.

27 Q. Can you give me roughly the number of years
28 you were the Assistant Director of Personnel?

13

1 A. One.

2 Q. All right. How about sales for a family
3 business?

4 A. That was about two years. Then prior to
5 that, I worked at Ojai Valley Community Hospital.

6 Q. And in what capacity?

7 A. Program administrator and a family therapist
8 in an adult chemical dependency program.

9 Q. Okay. For how many years did you do that?

10 A. Two years.

11 Q. All right. Anything prior to that?
12 A. Assorted -- excuse me -- retail management
13 and sales positions.
14 Q. And could you outline for me briefly your
15 educational background?
16 A. Yes. I have a B.A. in psychology from
17 Antioch University and a master's in public health
18 from Cal State Northridge.
19 Q. Is there an area of specialization in your
20 MPH?
21 A. Community education.
22 Q. And when did you obtain your MPH?
23 A. '94.
24 Q. Okay. Now, when you joined the Tobacco
25 Prevention Program in July of 1990, what was your
26 title?
27 A. Senior Health Education Associate.
28 Q. Was there a particular grade associated with

14

1 that? I, II, or III? Was there any distinction
2 within the discipline?
3 A. There's a pay scale range, but there's no
4 distinguishing I, II, and III characteristics.
5 Q. What were your job duties as a senior health
6 education associate?
7 A. Assist with program planning. I did
8 community presentations, trainings for professionals,
9 cessation services.

10 Q. For how long did you hold the position
11 Senior Health Education Associate?
12 A. I can't recall.
13 Q. Can you give me a general estimate of the
14 number of months or years?
15 A. Probably till '94.
16 Q. Okay.
17 A. Correct. Somewhere in that time frame, I
18 did assume the management position -- you know, the
19 administrator position because my supervisor moved
20 on. I can't remember when.
21 Q. Okay. So sometime between '90 and '94, you
22 took over as -- you essentially replaced your
23 supervisor; would that be fair?
24 A. Yes.
25 Q. All right. And then was there another job
26 change in '94?
27 A. At some point I moved into the health
28 educator role, which is another job class, when I got

15

1 my MPH. And then another job change was into the
2 program administrator, and I don't remember the exact
3 years that took place.

4 Q. Okay. You got your MPH in 1994, so it would
5 be sometime thereafter that you made this -- what
6 would be a third job change within the program?

7 A. Second or third, yes.

8 Q. Okay. Now, did you assume another position
9 between the time that you got into health education
10 and the present?

11 A. No.

12 Q. You have remained as a health educator
13 between the time you assumed that position after you
14 got your MPH and today?

15 A. No. As I stated, at some point I was given
16 an official designation of Program Administrator,
17 which is simply a different job classification within
18 the County.

19 Q. Okay. I'm sorry. Is it fair to say that,
20 as you sit here today, you essentially run the Tobacco
21 Prevention Program; would that be a fair
22 characterization on my part?

23 A. Yes.

24 Q. If we had to make an estimate back for the
25 number of years that you have basically run the
26 program, would it be over the last four or five?

27 A. Oh, yes.

28 Q. Besides your MPH, in connection with the

16

1 Tobacco Prevention Program, in any of the positions
2 that you've held, have you received any special
3 training or education from the State?

4 A. Yes.

5 Q. What type of special training or education
6 are we talking about?

7 A. With the exception of infirmity, I have
8 attended all mandatory State trainings.

9 Q. How many of those do they have a year?

10 A. I'm trying to recollect. I'd say between
11 two and six.

12 Q. What are the subject matters that are
13 generally contained in the State training, or does it
14 vary from year to year?

15 A. It varies.

16 Q. When I say ETS, I'm talking about secondhand
17 smoke or environmental tobacco smoke.

18 Has ETS been a subject of any of the
19 mandatory State training sessions that you've
20 attended?

21 A. Yes.

22 Q. Can you tell me how many approximately? Let
23 me go back and rephrase the question, and let me ask
24 it essentially in two categories.

25 Have there been mandatory State training
26 sessions where ETS is the primary subject that you are
27 discussing for that training session?

28 A. Yes.

17

1 Q. Can you give me an estimate over the last
2 five or six years the number of mandatory State
3 training sessions which have been predominantly
4 concerned with environmental tobacco smoke?

5 A. I'm not sure.

6 Q. Can you approximate for me? Between two and

7 six? One and five?

8 A. Can you repeat the time frame?

9 Q. The last five or six years.

10 A. And, again, can I ask for a clarification of

11 the question?

12 Q. Sure.

13 A. Which is, are you talking about the entire

14 training or subtopics or break-out sessions within a

15 training?

16 Q. Okay. Fair enough. Let's start, first of

17 all, with subtopics or break-out groups that would

18 deal with ETS. And let me phrase the question this

19 way: Is that a subject that's covered in almost all

20 of the mandatory State training sessions that you've

21 attended?

22 A. No.

23 Q. All right. Can you give me an estimate as

24 to the number of the mandatory sessions where there

25 has been a subgroup on ETS?

26 A. Two to four.

27 Q. Okay. And that would be over the last five

28 to six years?

18

1 A. I would say this would be within each year.

2 Q. I see. So let me just make sure I've got an

3 accurate understanding of what you're telling me.

4 Over the last five or six years, within the
5 mandatory State training sessions conducted for each
6 year, there have been two to four subgroups or
7 break-out session on ETS for each of the training
8 periods?

9 A. Yes. And those are selections that one
10 could opt to learn.

11 Q. Now, again, over the last five or six years,
12 and looking at the mandatory State training sessions,
13 has there been any one session or any series of
14 sessions where ETS has been the predominant topic of
15 discussion by way of the presentations made?

16 A. Yes.

17 Q. Can you give me an estimate as to the number
18 of times over the last five or six years that's
19 occurred?

20 A. I'd say two where the conference had ETS as
21 a primary focus.

22 Q. How long are the mandatory State training
23 programs when you attend them? Are they a day? two
24 days? three days?

25 A. They range from one day to, at most, four
26 days, I think. Generally in the one- to two-day
27 range.

28 Q. Okay. And are they customarily conducted in

2 A. Many venues.

3 Q. All right. And is the Tobacco Control

4 Section the sponsor of the program?

5 A. In most cases, yes.

6 Q. Okay. Do they have -- how is the program

7 conducted, at least ones that you've attended? Are

8 there consultants or experts that they bring in to

9 talk about specific subject matter? Are there

10 discussions that occur between the local lead agencies

11 and the grantees?

12 What actually goes on in these training

13 programs?

14 A. Generally speaking, there are plenary

15 sessions with keynote speakers from around the

16 country, not just around the state. And then there

17 are usually options of break-out sessions on various

18 topics with -- again, usually it's a panel; it can be

19 people from the community or staff members from

20 various TCS-funded projects discussing topics;

21 sometimes there are planning sessions within the

22 communities or regions. Rarely is there a great deal

23 of time for dialogue between LLAs and the TCS or State

24 group.

25 Q. Okay. When you have attended a mandatory

26 State training session, do you, in turn, return to

27 your group in the Tobacco Prevention Program and

28 conduct your own training session, transmitting the

1 information or knowledge you've acquired at the State
2 program?

3 A. Not a full-scale training session, no.

4 Q. Okay. Do you pass on interesting items that
5 you learned at the State to your staff?

6 A. Yes.

7 Q. How big is the staff that you have at the
8 Tobacco Prevention Program within the County right
9 now?

10 A. I have 1.75 FTEs.

11 Q. And an FTE is?

12 A. A full-time equivalent.

13 Q. And a full-time equivalent is what?

14 A. 100 percent time employee. So I have one
15 full-time employee, one three-quarter-time employee,
16 and myself. And I'm actually an 80 percent employee.

17 Q. The full-time employee is whom?

18 A. Jan Koegler, K-o-e-g-l-e-r.

19 Q. And the three-quarter-time employee?

20 A. A clerk typist, II.

21 Q. If 80 percent of your time is on the Tobacco
22 Prevention Program, can you give me some idea what the
23 remaining 20 percent is spent on?

24 A. I'm permanently disabled, and that is all
25 I'm able to work.

26 Q. I see. Now, besides the State mandatory
27 training sessions, are there any other special
28 training programs or courses that you have attended

1 that deal with tobacco prevention or cessation, any of
2 the goals in the Prop 99?

3 A. Can you restate that?

4 Q. Sure.

5 Outside of the special training sessions
6 you've told me about from the State, are there any
7 other training programs that you've attended in
8 conjunction with your duties running the Tobacco
9 Prevention Program?

10 And I'm thinking, for instance, something
11 that Stanford University might sponsor or a special
12 presentation by somebody from NIH who comes to
13 California to address people in local lead agencies,
14 things like that.

15 A. I have attended a few -- let's say, half a
16 dozen or less outside trainings, primarily the
17 American Public Health Association Conference and a
18 few other, the Pacific Regional Conference, specific
19 to tobacco control that were not organized or run by
20 TCS.

21 Q. I'm sorry. The last one was?

22 A. I think it was called the Pacific Gulf
23 Region Tobacco Control Program. It encompasses a
24 number of states.

25 Q. Okay. What type of training or information
26 was imparted to you at the American Public Health
27 Conference?

28 A. The manual for APHA -- that's the

1 abbreviation for American Public Health Association --
2 is --

3 Q. -- about 3, 4 inches thick?

4 A. Yeah. And I generally attend plenary
5 sessions, and topics have been managed care, universal
6 health coverage. I have also attended some break-out
7 sessions around the areas of tobacco cessation and
8 control. Nothing is noteworthy in terms of
9 information that I gathered.

10 Q. All right. Was ETS a subject discussed in
11 the tobacco prevention and control sessions that you
12 attended?

13 A. I attended one break-out session on ETS.

14 Q. The break-out sessions that you've just
15 described for us at the American Public Health
16 Association or at the mandatory State trainings, can
17 you give me a general idea of the type of information
18 that is communicated to you about ETS?

19 A. Initially, it was information about the
20 Surgeon General's findings in some of the earlier
21 studies that linked ETS with health risks and
22 subsequent research documentation to that effect; for
23 example, the Cal EPA report was covered in fairly
24 great detail by its authors at one of the sessions,
25 and then information about legislation as it would
26 affect our local jurisdictions.

27 Q. In other words, AB-13?

28 A. That would be one piece of legislation.

1 Q. And I forget the specific bill on smoking in
2 bars, but that would be another piece of legislation?

3 A. That is the specific bill.

4 Q. Okay.

5 A. The one that preceded had a different
6 number.

7 Q. Now, when you get the health-based
8 information, either through these sessions at the
9 American Public Health Association or mandatory State
10 trainings, do you then make some attempt to implement
11 getting this information out through the programs that
12 are available to you as the local lead agency? In
13 other words, do you incorporate what you acquire in
14 these trainings into your programs at the local level?

15 A. Yes, when applicable.

16 MR. L'ORANGE: Okay. Off the record for a
17 minute.

18 (Discussion off the record.)

19 Q. BY MR. L'ORANGE: Can you give me a general
20 estimate as to what the budget has been for your group
21 serving as the local lead agency in Santa Barbara
22 County over the last four years?

23 A. Our base allocation is \$150,000 per year.

24 Q. Now, I take it by using the term "base,"
25 there are additional monies that can be diverted to
26 the local lead agency?

27 A. No.

28 Q. Are there any other fundings that go to the

24

1 local lead agency, other than the base amount of
2 \$150,000?

3 A. We have rollover funds from prior years.

4 Q. And would you define for me what a rollover
5 fund is?

6 A. The State allocation for local lead agencies
7 has been continuous since 1989.

8 Q. Okay.

9 A. Any monies not expended in prior years have
10 the capacity to be rolled over into future years.

11 Q. Were there additional funds that were
12 rollovers available for each of the last four years in
13 the County?

14 A. Yes.

15 Q. How much per year, roughly?

16 A. I can be specific about this three-year
17 budget, which is '98-'01, and that would be roughly
18 \$143,000 in excess.

19 Q. Okay. Let me make sure I understand what
20 you're telling me. You get a base allotment of
21 \$150,000 per year from the State over the last four or
22 five years; fair?

23 A. Yes.

24 Q. All right. Then there are rollover funds,
25 and I would assume that -- and tell me if I'm

26 incorrect, but the rollover funds would include not
27 only the previous year, but where you have funds
28 available for years before that? Or are your rollover

25

1 funds restricted strictly to the preceding years?

2 A. All preceding years.

3 Q. Is it an amount that grows in the aggregate
4 and you can draw on it for any particular year to
5 supplement your budget?

6 A. Up to this point, yes.

7 Q. Okay. What happens after this point?

8 A. In fiscal year '01, there'll be no more
9 rollover funds.

10 Q. Okay. So in addition to \$150,000 for '98
11 through '01, you have, at least currently, \$143,000
12 that you can use in that three-year period to
13 supplement the preexisting State funding; would that
14 be a fair statement?

15 A. Terminology. I would amend that to say that
16 we're not supplementing preexisting funds. Those were
17 and are our LLA allocation from prior years which we
18 have not yet expended.

19 Q. I see. And you have the option of expending
20 that in addition to the \$150,000 base?

21 A. Yes.

22 Q. Okay. Are there any other sources of funds
23 that you can expend as an LLA, other than the rollover
24 and the base funding we've already talked about?

25 A. We can apply for competitive grant funding
26 through the Tobacco Control Section and have done so.
27 Q. Do you have any estimate of the number of
28 times that the LLA has been a competitive grantee?

26

1 A. Twice.
2 Q. And that's over the ten-year period?
3 A. Yes.
4 Q. Okay. Do you remember what years?
5 A. I believe '91 through '95. And I'm trying
6 to remember when that first grant was granted. '97
7 through '01.
8 Q. Okay. Can you give me some idea as to the
9 amount of funding you received in the '91-to-'95 time
10 frame?
11 A. I do not recall.
12 Q. Can you give me an estimate? Are we talking
13 \$100,000? 100,000 to 300,000?
14 A. No. I think it was more in the 4- to
15 \$500,000 range over that span, that four-year period,
16 that was actually subcontracted out to a number of
17 agencies.
18 Q. Okay. Approximately, again, if you could
19 give me an idea as to the total funding you're going
20 to get as a competitive grantee between '97 and '01.
21 Roughly the same amount?
22 A. It's less, I think. Like 300- to 400,000,

23 450,000, something like that.

24 Q. Any other monies that will be available to
25 you outside of the base allocation from the State, the
26 rollover monies you've described, and the amounts that
27 you'll receive or have received as a competitive
28 grantee?

27

1 A. No.

2 Q. Is there any overlap between the monies
3 received as a competitive grantee and the rollover
4 funds?

5 A. I don't understand the question.

6 Q. I'm sorry. Let me go at it this way: Are
7 the rollover funds restricted to amounts of the base
8 allocation given to you by the State and you can roll
9 those over, or are the rollover funds a combination of
10 the base and unexpended amounts that you receive as a
11 competitive grantee?

12 A. The LLA and competitive grantee funds are
13 completely separate.

14 Q. And you can't commingle them, right?

15 A. That is correct.

16 Q. Okay. Let me go back to my original
17 question then.

18 The rollover funds, then, are composed of
19 unexpended portions of base amounts that have been
20 given to you by the State?

21 A. As an LLA, yes.

22 Q. The correct terminology for the LLA now is
23 the Santa Barbara County Public Health Department?
24 A. Yes.
25 Q. All right. Can I shorten that to just
26 Public Health Department, and you will know what we're
27 talking about?
28 A. Yes.

28

1 Q. Okay. For the period of time that you have
2 been actually running the Tobacco Prevention Program
3 through the Public Health Department, what has been
4 your understanding as to the function of the Public
5 Health Department as the local lead agency?

6 A. We provide information and education on
7 tobacco-related issues and act as the sort of focal
8 point of tobacco education and prevention in our
9 county.

10 May I ask for a brief break?

11 Q. Yes, ma'am.

12 A. Thank you.

13 (Short break.)

14 Q. BY MR. L'ORANGE: We left off with your
15 describing your understanding of the functions of the
16 Public Health Department as the local lead agency.

17 MR. CZULEGER: Can I interject here just to
18 clarify?

19 MR. L'ORANGE: Sure.

20 MR. CZULEGER: When you're going over the
21 questions about the funding and the base amount of
22 \$150,000 a year, I'd like to ask Dawn just to clarify
23 what the difference is between 150- base and/or how
24 it's related to the rollover that you're talking
25 about, so that you can explain the total amount that
26 you would be eligible for from the State in any given
27 year.

28 THE WITNESS: The total allowable allocation

29

1 per year is \$150,000.

2 MR. CZULEGER: And how does the rollover
3 work in relation to that \$150,000? If you don't spend
4 so much in a given year, is that just held back?

5 THE WITNESS: Yes, it's held within the
6 County.

7 MR. CZULEGER: Okay. The time when you said
8 you had 400-something-thousand, is that something that
9 was part of the rollover, over the last --

10 MR. L'ORANGE: 143,000, approximately.

11 MR. CZULEGER: -- over the last handful of
12 years, or the current budget; that was not in addition
13 to the \$150,000 you would have gotten in a given year;
14 that was just an amount that had not been spent so
15 you're able to use it in the current budget cycle?

16 THE WITNESS: Yes.

17 MR. CZULEGER: Okay.

18 Q. BY MR. L'ORANGE: I think I understand what

19 you're saying. But just for clarity of the record,
20 the State will allocate you \$150,000 each year over
21 the time period we've talked about, true?

22 A. Yes.

23 Q. All right. You have 143,000 which has not
24 been expended which constitutes rollover funds, true?

25 A. Yes.

26 Q. All right. Now, is the exchange between you
27 and your lawyer essentially to show that if you chose
28 to expend the 143,000 that you described for me as

30

1 rollover funds, you would only get an additional 7,000
2 from the State, which gives you funding of 150,000 for
3 any one year?

4 A. No.

5 Q. Again, just for the clarity of the record,
6 you have 150,000 base, and you have this account
7 that's been growing to 143,000. And you can expend
8 those monies in any year in addition to the base
9 monies given to you by the State; would that be a fair
10 statement on my part?

11 A. Yes.

12 Q. Okay. Not bad for a guy who can't balance
13 his checkbook using Quicken.

14 All right. Has anyone from the Tobacco
15 Control Section communicated to you the State goals
16 that the section is trying to achieve in the Tobacco

17 Prevention Program? And I'm speaking of reducing
18 exposure to ETS, countering pro-tobacco influence, and
19 reducing youth access.

20 A. Yes.

21 Q. Are those goals incorporated into the
22 information, education, and prevention programs that
23 you administer through the local lead agency here in
24 Santa Barbara County?

25 A. Yes.

26 Q. When you get your funding, whether it is the
27 base amount from the State, expenditure of rollover
28 funds, or the competitive grantee monies, is your

31

1 budgeting process designed to take into account the
2 goals that I've just expressed?

3 A. Yes.

4 Q. In other words, a certain portion of your
5 monies are expended on reducing exposure to ETS; a
6 certain portion on countering pro-tobacco influences;
7 a certain portion on reducing youth access?

8 A. No.

9 Q. Do you do an allocation like that at all
10 when you're preparing your budget or distributing the
11 money?

12 A. No.

13 Q. Do you have any formula or guidelines that
14 you utilize to determine how much money in a given
15 year will be directed towards ETS programs?

16 A. Can you restate the question?

17 Q. Yeah. Let me tell you what I'm driving at.

18 Given the State goals that you've indicated

19 to me are incorporated into the local lead agency's

20 approach to tobacco prevention in Santa Barbara

21 County, is there a formula, at worst, I guess, or rule

22 of thumb, that guides you when you allocate the monies

23 that are given to you, whether the base money's from

24 the State, the expenditure of the rollover funds, or

25 the competitive grantees? Does that make it any

26 clearer?

27 A. Yes, it clarifies. And no, we don't use a

28 formula.

32

1 Q. Okay. Do you have any estimate as to -- of

2 the total funding you spent -- you have to spend in

3 your '98-to-'01 budget, can you give me some idea as

4 to the amount that's allocated to ETS programs?

5 A. No.

6 Q. Given the fact that there are three goals

7 that the State has set out, is it fair to say that

8 some percentage around a third is allocated to ETS;

9 some percentage around a third is allocated to

10 countering pro-tobacco influence; some percentage

11 around a third is allocated to reducing youth access?

12 A. No.

13 Q. Do you have any approximation at all of the

14 amount of funding in your '98-to-'01 budget that will
15 be directed to ETS?

16 A. We do not approach the budget in that
17 manner.

18 Q. Okay. How is it -- can you tell me the
19 process you go through to allocate your funds once you
20 receive them from whatever source you get them from?

21 A. Yes. Using needs-assessment data from
22 census reports, any kind of evaluation that we have
23 undertaken or any other sources, as well as input from
24 our community coalition, based on the State
25 guidelines, we develop a work plan with objectives and
26 activities; and then we develop a budget and budget
27 justification that relates to executing the work plan.

28 Q. Take me through because I've never done

33

1 anything like this.

2 So what information do you derive from the
3 census report that you've called needs assessment?
4 What is it you get out of the census report that helps
5 you in terms of your budget?

6 A. Nothing as stated in that question.

7 Q. Okay. You had indicated to me earlier that
8 you get needs-assessment data, and one of the things
9 you look at is the census report.

10 A. And other demographic data.

11 Q. Okay. Can you briefly outline for me
12 what -- well, let's start with the beginning.

13 What other demographic data do you look at
14 besides the census report?

15 A. We are asked to do what's called a community
16 profile in preparing our plan for the State.

17 Q. And is this a request by the State TCS?

18 A. Yes. Part of our application for the funds.

19 Q. Okay. Are there any other -- is there any
20 other demographic data that you're going to review
21 besides the census report and your community profile?

22 A. We look at economic indicators; we look at
23 school enrollment, poverty levels, youth access data;
24 environmental smoke indicators in terms of work sites
25 or other indicators where ETS might be a factor; any
26 tobacco-industry sponsored events, we try and paint a
27 picture about the state of tobacco-related indicators
28 in our community, as well as the sort of framework of

34

1 the community in general.

2 Q. Now, this picture is painted for the period
3 of time over which you want funding; is that a fair
4 statement on my part?

5 A. Over which we are applying for allocation,
6 yes.

7 Q. Okay. Now, in terms of analyzing the
8 County's concerns with respect to ETS, you would
9 consider the demographic data that you've outlined for
10 me already?

11 A. Yes, in part.

12 Q. Any other data that you would consider in
13 trying to define, at least from a demographic
14 standpoint, the County's concerns regarding ETS?

15 A. As I said previously, local evaluation;
16 surveys that we may have generated from activities in
17 prior years about exposure in homes or at work sites
18 would be incorporated into the work plan.

19 Q. Now, if we can take a detour here for a
20 minute. Let's talk about any surveys that the County
21 has performed on smoking in homes.

22 Have there been such surveys performed in
23 Santa Barbara County?

24 A. One project in the competitive grant has
25 some survey work.

26 Q. Now, is that with the Public Health
27 Department as the grantee, or was there another agency
28 or organization that performed this work?

35

1 A. Public Health Department, as the grantee,
2 with a subcontractor.

3 Q. Okay. Who was the subcontractor?

4 A. American Lung Association.

5 Q. Do you have a recollection of about when
6 that survey was done?

7 A. I think in the last two or three years.

8 Q. And any idea as to what the survey
9 population was?

10 A. Was a random digit-dial survey.

11 Q. And the number of households contacted?

12 A. It was, I think, around 100 in North County.

13 Q. Any reason why you went to North County to

14 do that; in other words, not the county as a whole?

15 A. Limit on funding.

16 Q. Okay. Any other survey conducted either by

17 the Public Health Department or any other grantee

18 dealing with ETS that you're aware of over the last

19 ten years?

20 A. Can you restate the essence of that

21 question?

22 Q. Yeah, I can. Is there a part of it you

23 didn't understand?

24 What I was asking was, Any other survey that

25 was conducted either by the Public Health Department

26 or any other grantee or organization wherein you

27 surveyed the county population with respect to ETS

28 issues?

36

1 A. No.

2 Q. Okay. Was there any report generated to

3 your section on the results of the survey conducted by

4 the American Lung Association?

5 A. Yes.

6 Q. Do you know if that was produced in the

7 documents?

8 A. I suspect it would be in one of the progress
9 reports for the competitive grant.

10 Q. Okay. As you sit here today, do you have a
11 general recollection of what the data indicated?

12 A. No.

13 Q. You indicated that you also take into
14 consideration, in designing or determining the
15 allocation of funds, input from the community
16 coalition?

17 A. Yes.

18 Q. What is the community coalition in
19 Santa Barbara County?

20 A. It's called CEASE, capital C-E-A-S-E.

21 Q. And can you give me an idea as to the
22 general makeup of organizations that belong to CEASE?

23 A. I believe its current membership is between
24 65 and 75 agencies and individuals.

25 Q. CEASE stands for Coalition Engaged in a
26 Smoke-free Effort?

27 A. Yes.

28 Q. And these 65 or 75 agencies all concentrate

37

1 their activity within the county?

2 A. No.

3 Q. Can you tell me how CEASE operates?

4 A. Yes. It's an advisory committee whose focus
5 is to engage in a smoke-free effort. They meet
6 monthly under an informal sort of meeting structure,

7 not parliamentary in any way. And they take actions
8 as they see fit based on information to assist with
9 tobacco prevention in the community.

10 Q. Now, my earlier question was, This 65 or 75
11 agencies that are involved in CEASE, are their
12 activities conducted solely within Santa Barbara
13 County, or is there a larger geographical distribution
14 of those efforts?

15 A. CEASE is specific to Santa Barbara County,
16 and some of its member agencies have multiple-county
17 responsibilities.

18 Q. I'm tracking with you now.

19 Examples of members of CEASE would be the
20 Public -- your agency, the Public Health Department,
21 functioning as the local lead agency, right?

22 A. Yes.

23 Q. ASH?

24 A. No.

25 Q. Can you give me an idea of the types of
26 organizations that would fall under the rubric of
27 CEASE?

28 A. I can tell you who some of the member

38

1 agencies are.

2 Q. Fair enough.

3 A. The American Lung Association, the American
4 Heart Association, the American Cancer Society, the

5 Santa Barbara County Medical Society, the Council on
6 Alcoholism and Drug Abuse, Santa Barbara Regional
7 Health Authority. Those are some of the agencies
8 whose names actually appear on the letterhead.

9 Q. Do you have -- and I apologize to you.
10 There were about -- I'm going to show you what, I
11 think, is the membership roster.

12 While we're looking, let me continue on.

13 Are the competitive grantees within
14 Santa Barbara County also members of CEASE?

15 A. Generally.

16 Q. And is one of the purposes of CEASE to
17 provide the Public Health Department with feedback on
18 what programs are working best in the community and
19 the county with respect to tobacco prevention and
20 control?

21 A. Not exactly.

22 Q. You've told me that it meets monthly and it
23 basically decides what actions ought to be taken in
24 the tobacco prevention arena. But, basically, how
25 does the organization function, I guess, is what I'm
26 trying to get a feeling for, in terms of the
27 discussions and so forth that you've personally
28 observed?

39

1 How is it they arrive at decisions?

2 A. Consensus.

3 Q. If you, as a local lead agency, want to

4 undertake an ETS program, do you need to present that
5 to CEASE for any type of approval?

6 A. I don't need to, no.

7 Q. As a matter of custom and form, do you
8 present any proposed ETS program to CEASE for comment
9 by the various agencies?

10 A. Generally in the planning process, yes.

11 Q. When you are creating -- let me strike that.

12 When you are creating a plan for
13 implementation in the county as the local lead agency
14 and you're seeking funding, is there a defined period
15 of time? Are the plans customarily three years? four
16 years? two years?

17 A. Yes.

18 Q. Okay. How many years?

19 A. They vary.

20 Q. The current plan is three years, '98 to '01?

21 A. Yes.

22 Q. The previous plan was how many years,
23 roughly?

24 A. I think it was two years.

25 Q. Okay. Has CEASE been an organization that
26 has existed from the outset of the program in
27 Santa Barbara County, or was it something that was
28 created along the way?

1 A. It existed from the outset of the program.

2 Q. I gather from your earlier testimony -- and
3 correct me if I'm wrong -- CEASE provides input to you
4 which guides you in terms of the planning and
5 budgeting of the funds allocated to you for
6 expenditure within the county?

7 A. Yes.

8 Q. Do you likewise provide guidance to the
9 competitive grantees about how they should expend
10 their monies consistent with your planning and
11 budgeting based on the feedback you get from CEASE?

12 A. No.

13 Q. What I'm trying to get a grasp on here is,
14 did you meet with CEASE prior to submitting your plans
15 for the '98-to-'01 budget period?

16 A. Yes.

17 Q. All right. Now, from those discussions, I
18 take it, there was some commonality in terms of goals
19 and plans that would be implemented within the county?

20 A. Yes.

21 Q. The budgeting that we're talking about,
22 though, deals exclusively with the Public Health
23 Department as the local lead agency, right?

24 A. Yes.

25 Q. And how it will expend its funds and what
26 plans it will execute within the community, true?

27 A. Yes.

28 Q. All right. Now, simultaneously with the

1 plans that you are budgeting for and executing, each
2 of the competitive grantees has their own particular
3 grant of monies and plans and budgets that they are
4 expending as well, true?

5 A. Yes.

6 Q. And correct me if I'm wrong. As a local
7 lead agency, you can't really tell the grantee how to
8 expend their money, or can you?

9 A. It's mandated by the contract in which the
10 competitive grant funds are executed, and we
11 administer those funds.

12 Q. So that a grantee submits a response to an
13 RFP circulated by the State, gets funding, executes
14 the plan as set out in the response, but gets its
15 funds from you to do so?

16 A. Correct.

17 Q. Okay. So in a way, you control the purse
18 strings of the grantee?

19 A. Yes.

20 Q. Okay. Do the grantees report back to you as
21 the local lead agency in terms of progress reports
22 indicating what they've done over a particular period
23 of time?

24 A. The way this competitive grant is set up,
25 yes.

26 Q. Now, you said "this competitive grant is set
27 up." Is there something different --

28 A. We are the grantee. They are our

1 subcontractors; they are not grantees.

2 Q. Oh, oh, oh. Okay. I'm trying to visualize

3 how this works.

4 As a local lead agency, you have a certain

5 number of subcontractors, essentially, reporting back

6 to you?

7 A. No.

8 Q. How does the process work?

9 A. We are an LLA with a State allocation. In

10 addition, we administer a competitive grant and act

11 essentially as the fiscal and administrative

12 pass-through agency that allows four subcontracting

13 agencies to execute work plans.

14 Q. Who are the four subcontracting agencies

15 that are part of --

16 A. The American Lung Association; Santa Ynez

17 Tribal Health Clinic; the Girls Incorporated of

18 Santa Barbara; and Zona Seca, which is Z-o-n-a

19 S-e-c-a.

20 Q. Are there any other competitive grantees

21 that are funded through the State program as a result

22 of their submitting responses to RFPs circulated by

23 the State?

24 A. No, not currently.

25 Q. Okay. Over the course of the last ten

26 years, have there been?

27 A. No.

28 Q. Was there some analysis that was applied to

1 determine who the four subcontractors would be? Is
2 there a reason why you settled on these particular
3 four subcontractors?

4 A. It's part of a community planning process.
5 All agencies in the county were able to participate,
6 and those four were interested in working on the
7 projects that were set forth after the planning
8 process.

9 Q. Was there a particular reason, to your
10 knowledge, why the American Lung Association -- strike
11 that.

12 Were there other organizations that also
13 indicated they were interested? Was there an
14 analytical process that was conducted, and these four
15 were determined to be the four best qualified to
16 administer the programs?

17 A. No.

18 Q. Was there any analysis as to why the
19 American Lung Association was selected over, perhaps,
20 the American Cancer Society?

21 A. It's my recollection that a mini-RFA from
22 our program went out to the community after this sort
23 of larger community planning process took place, and
24 those agencies who were able to meet those application
25 deadlines and guidelines went into the next part of
26 the planning process and RFP submission.

27 Q. I didn't mean to cut you off. But from that
28 emerged the four organizations that you've identified

1 for us?

2 A. Yes.

3 Q. Now, within the confines of the county,
4 these are the -- I recognize they're your
5 subcontractors, but these are the agencies and
6 organizations that are currently providing outreach
7 services to the county residents?

8 A. Yes.

9 Q. All right. Are there any other
10 organizations, while not falling under -- as
11 subcontractors under the program, that you're
12 administering as the local lead agency but they also
13 provide outreach services? Did I make it sufficiently
14 muddy or --

15 A. It's pretty muddy. Can you clarify,
16 please?

17 Q. Let me clean it up.

18 We know we have these four agencies that are
19 providing outreach services for residents within the
20 county. Are there other organizations within this 65
21 or 70 organizations that comprise CEASE that also
22 provide outreach services but which are not funded
23 under the program that you're administering?

24 A. Yes.

25 Q. Do you have an estimate on the number of
26 other organizations that are also providing outreach
27 services but which are not funded through you or

28 administered through you?

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1 A. Can you be more specific?

2 Q. Well, if I subtracted these four from the 65
3 or 75 organizations that comprise CEASE, I come up
4 with 61 or 71.

5 Of those 61 or 71 agencies, do you have an
6 approximate number that also provide outreach services
7 in whatever form -- cessation services, counseling,
8 public relations -- to residents within the county
9 even though they are not administered or have their
10 funding controlled by you?

11 A. I'd say two to six do any sort of specific
12 tobacco prevention outreach outside of the efforts
13 that we do.

14 Q. Could you identify who those two to six
15 would be?

16 A. The American Lung Association, not under
17 Prop 99; the County education office; a small part of
18 the activities in the Council on Alcoholism and Drug
19 Abuse; and I can't be specific about the others.

20 Q. All right. You may have told me this, but I
21 just want to -- the four entities that you've
22 identified for us, have they been the subcontractors
23 over the roughly ten years of the program?

24 A. No.

25 Q. Any idea for how long the American Lung

26 Association has served as a subcontractor under the
27 program you administer?
28 A. Since '97.

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1 Q. Are all four of these organizations from '97
2 to '01?

3 A. Some of them will end prior to '01.

4 Q. Were there any preceding subcontractors in
5 any grant that your agency acted as either the
6 administrator or the fiscal pass-through for prior to
7 the four that you identified?

8 A. Yes.

9 Q. Who were they?

10 A. Oh, my. UCSB, Zona Seca, Central Coast
11 Health Resources, the community clinics, Council on
12 Alcoholism and Drug Abuse. I think that's it. There
13 may have been more.

14 Q. Okay. And, again, were the entities you've
15 just identified for us selected through the same
16 process that led to the selection of the American Lung
17 Association and the three other entities that you've
18 identified for the current contract term?

19 A. Yes.

20 Q. The second group of entities that you
21 identified cover other contract terms outside of the
22 '97-to-'01 time frame, correct?

23 A. Yes.

24 Q. In summary, then, what happens is, as the

25 local lead agency, you meet with the members of CEASE,
26 and there are particular goals that, through the
27 interaction of these organizations, there's agreement
28 that will be accomplished over the next budgetary

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1 period or grant period; am I correct so far?

2 A. They act in an advisory capacity similar to
3 what you described.

4 Q. All right. Fair enough.

5 And as the local lead agency, you get
6 advisory input from the members of CEASE which you
7 then take into consideration, along with other data
8 that you've outlined for us, in order to come up with
9 a budget and a work plan, true?

10 A. Yes.

11 Q. All right. Now, again, just so I
12 understand, a component of that work plan may be the
13 letting of a mini-RFA, which results in specific
14 organizations or agencies functioning as
15 subcontractors to you where you fulfill this job of
16 being the administrative and fiscal pass-through
17 agency essentially supervising their activities?

18 A. Can you say that one more time?

19 Q. I'm not sure I can.

20 A. Or get at the same point.

21 Q. All right. Within the confines of your work
22 plan as a local lead agency, you may let essentially a

23 mini-RFA, to which you get responses that ultimately
24 lead to some number of organizations or agencies
25 functioning as subcontractors to you as you've
26 described for us with the American Lung Association,
27 community health clinics, and so forth, where you act
28 as the administrative and fiscal pass-through for

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1 their activities?

2 A. Not actually.

3 Q. Okay. What's wrong with my analysis?

4 MS. KOEGLER: Need a blackboard.

5 THE WITNESS: Yes.

6 That is not a part of our LLA work plan.

7 When an RFP is released from the State for community
8 interventions around tobacco control, we share that
9 with the community. We disseminate that information
10 through CEASE and the Public Health Department.

11 Q. BY MR. L'ORANGE: Okay.

12 A. If there is interest, we will facilitate the
13 process of applying for those funds, but it is not a
14 part of our State work plan.

15 Q. I see.

16 A. As a matter of fact, it is entirely
17 separate, and we are not allowed to use State funds to
18 apply for those funds specifically.

19 Q. So that people apply to the RFP released by
20 the State; if they are selected, what you become is
21 the administrative and fiscal pass-through for the

22 funds allocated to that particular organization?

23 A. Yes.

24 Q. All right. Like Henry Higgins, I think I've
25 got it. I'm afraid to ask any more funding
26 questions.

27 Have we covered, in general, how the system
28 works?

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1 A. I think so.

2 Q. Okay. Has there been, any time over the
3 last ten years, an increasing emphasis or focus by the
4 State Tobacco Control Section on environmental tobacco
5 smoke?

6 A. It has always been an emphasis. And the
7 Class A carcinogen, the State -- when it was
8 classified as a Class A carcinogen, the energy shifted
9 or the focus shifted with -- towards more emphasis to
10 protecting the public from it.

11 Q. Do you have a general idea as to
12 approximately what time that emphasis shift occurred?
13 Was it roughly around '93, '94?

14 A. I think that's correct.

15 Q. Could you tell me what happened in terms of
16 your organization, the County Health Department, once
17 the State determined it wanted to increase the
18 emphasis on ETS?

19 And what I'm driving at is, Do you then

20 devise more programs at your level or coordinate more
21 activities at your level with respect to ETS than you
22 might otherwise have done because of this increasing
23 State focus on ETS?

24 A. Not necessarily.

25 Q. Was there any shift in the programs that
26 were being either prepared or overseen or coordinated
27 by the Public Health Department after '93 that began
28 to focus more on ETS?

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1 A. Not specifically.

2 Q. How about generally?

3 A. My description of the shift in priorities
4 went from individual and group interventions to the
5 broader arena of policy and media activities depending
6 on community needs.

7 Q. Could you tell me what you mean by that? I
8 think I understand what you're saying, but I just want
9 to make sure.

10 A. I can characterize it in the early days that
11 we were doing group cessation classes and
12 work-site-based cessation programs; subcontractors
13 were doing migrant farmer education; and we were doing
14 one-on-one presentations and community health fairs.

15 So it was more a direct service, individual
16 or a group-based education model, as opposed to
17 facilitating community norms around tobacco use,
18 prevention sort of ideals and models. So it's hard to

19 describe the latter intervention stage.

20 Q. Let me try and phrase it this way. Tell me
21 if I'm getting close.

22 In the earlier days, you had individual and
23 group sessions, if you will, with limited audiences
24 where you would discuss ETS or cessation issues. With
25 the increasing emphasis by the State, you went to a
26 broader program of media, larger audiences. And if I
27 take your answer correctly, you began to really look
28 at behavior modification; am I fair in terms of

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1 characterizing it that way?

2 A. No.

3 Q. Okay.

4 A. I would say the earlier approach, you know,
5 would classically be more directed at a behavior
6 approach. You're working one on one with somebody
7 trying to get them to quit smoking; it's very
8 different than if you're assisting with implementation
9 of a State law, for example, the State smoke-free work
10 site law that came into effect in '95.

11 Q. Or the smoke-free bar ordinance?

12 A. Right, which is an extension of that law.

13 So our role, then, would be to facilitate
14 that the local designated enforcement agents were
15 aware of the law, how it was to be carried out, and to
16 sort of pass through information to them, and then

17 have community members educated about it and able to
18 respond in their local communities if those work-site
19 laws weren't being implemented.

20 Q. Okay. I'm with you on that. Let's take it
21 down to another level though.

22 Once the State signaled an increasing
23 emphasis on ETS, would you, as a local lead agency,
24 essentially shift your approach in the sense that you
25 want to get more information out now about the health
26 hazards associated with ETS to the residents of your
27 county?

28 A. I'm going to qualify this with, between the

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1 years of 1993 and 1997, the primary emphasis of our
2 local lead agency was in the area of youth access.

3 Q. Okay.

4 A. Specifically around the area of self-service
5 display bans in the policy arena. And that was the
6 largest part of our focus, despite what was going on
7 at the State level. Because one of the priorities was
8 the youth access priority, and based on the problems
9 that we were seeing from our youth, by data, the
10 community response to that, that was where the
11 emphasis was.

12 Q. Okay. What about from '97 on? Was there an
13 emphasis on ETS at the community level?

14 A. There has always been a part of our program
15 that addresses secondhand smoke at the community

16 level, from its inception. And that changes year to
17 year based on what's going on in a given community.

18 Q. Okay. As part of the ETS message delivered
19 by the local lead agency, is there a focus or a
20 concentration on smoking in homes and in cars now that
21 workplaces are smoke-free and bars are smoke-free?

22 A. We have one project previously mentioned who
23 has a limited pledge campaign during a -- I think it's
24 a two-week period in the fall that's been implemented
25 for -- we're in their third year of it. It's called
26 the smoke-free challenge. Other than that, there's
27 been no specific emphasis on ETS in homes and cars
28 coming out of local lead agencies or competitive grant

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1 work plans.

2 Q. What about members of CEASE? Have they been
3 promulgating a smoke-free policy in cars and homes to
4 the residents of the county during the time that CEASE
5 has been existence?

6 A. Not to my knowledge.

7 Q. Are there any organizations within CEASE
8 that address that topic, to your knowledge?

9 A. Not directly, to my knowledge.

10 Q. How about indirectly?

11 A. Not to my knowledge.

12 Q. Okay. CEASE was formed shortly after the
13 Prop 99 Program was approved by the voters?

14 A. I think in those days it was AB-75 or
15 AB-98. There are different versions of that bill as
16 well, yes.

17 Q. Okay. Do you have any understanding as to
18 how the organization was formed?

19 A. I am not personally aware of the exact
20 dissemination process. But my recollection is that
21 the early meetings of CEASE had 30 to 50 people around
22 the table.

23 Q. Okay. The organization has now expanded to
24 the numbers you described for us?

25 A. The membership list would have been larger
26 in the early days, the mailing membership list, as
27 well as the attendance at meetings.

28 Q. Okay. Has the identity of the members of

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1 CEASE remained constant over the years, or have you
2 had large fluctuations of organizations in and out?

3 A. The organizational membership is relatively
4 constant. There are small fluctuations, and there's a
5 large community membership that is not
6 organizationally attached.

7 Q. And what do you mean by "community
8 membership"?

9 A. I mean volunteer -- I mean citizens who have
10 no affiliation with any organization.

11 Q. Okay. Churches --

12 A. People from the Lawn Bowling Association,

13 people who are retired, youth people -- I mean, we
14 don't ask their affiliation; they identify themselves
15 as volunteers.

16 Q. Once you get all of your advisory input from
17 CEASE members and you looked at your work plan and you
18 then have taken the funding that you get from the
19 State and other sources and figured out how you're
20 going to budget that, your work plan, I take it, is
21 generally constructed around the three goals that we
22 talked about earlier the State wants to see
23 accomplished: reduction of ETS, reduction of youth
24 access, countering the pro-tobacco influence?

25 A. Yes.

26 Q. Does the American Lung Association -- and
27 I'm speaking of the portion of the program wherein
28 your agency function is the fiscal and administrative

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1 pass-through.

2 Does that portion of the program have a
3 target audience that it's trying to reach, or is it
4 all residents?

5 A. I think it's the general population.

6 Q. Okay. Now, there was a second organization,
7 and I tried to get it down. Was it the Santa Ynez --

8 A. Santa Ynez Tribal Health Clinic.

9 Q. I'm assuming it reaches a specific Indian
10 tribe?

11 A. It's broader than just the tribe.
12 Q. Who is its target audience?
13 A. I believe that it's youth and specific to,
14 in terms of its outreach components, the Santa Ynez
15 Valley. Some of the project deliverables, like a
16 mural, a poster, a screen saver, have the ability to
17 be disseminated to youth statewide. But they were
18 developed in that very specific geographic area. And
19 then the subgoal of that particular project is
20 Smoke-free Casino Day.
21 Q. This is a casino owned and operated by the
22 tribe?
23 A. Yes.
24 Q. Girls Incorporated, who is their target
25 audience?
26 A. Youth, media literacy specifically. So it's
27 more of a countering -- educating youth about
28 advertising and its effect on young people.

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1 Q. When you're talking about youth, you're
2 talking about youth wherever they're situated within
3 the county?
4 A. Girls Incorporated is a South-County serving
5 agency, so it would generally serve the greater
6 Santa Barbara area, not the North County. We have a
7 fairly geographically divided county.
8 Q. What do you mean by that?
9 A. There are two major population bases, and

10 they are separated by about 100 miles and a tremendous
11 amount of geography, as well as a sort of -- there is
12 a rural and -- we call it "rurban." Santa Barbara is
13 hardly classified as a large urban hub, but the South
14 County is more tourist-driven where the North County
15 is more agricultural-driven. There's just a very
16 different landscape to the North and South Counties.

17 Q. Now, Zona Seca, is there a target audience
18 for that organization?

19 A. Latino youth.

20 Q. Throughout the county?

21 A. South County -- South County. South County.

22 Q. All right. Now you've indicated a number of
23 these programs are oriented to the South County.

24 Are there programs that are oriented
25 specifically to the North County given its rural
26 identification or rural roost?

27 A. In that subcontract, the American Lung
28 Association served the North County.

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1 Q. Anyone else?

2 A. The Santa Ynez Indian Health Clinic is
3 located in the North County.

4 Q. Okay. Are there CEASE organizations in
5 North County as well?

6 A. Yes.

7 Q. And CEASE organizations in the South County?

8 A. I would prefer to call them CEASE members
9 rather than organizations because I'd say a third of
10 our membership is not organizationally based.

11 Q. But through CEASE you get input as it
12 affects both North and South Counties in terms of
13 looking at advisory opinions for the designing of
14 programs?

15 A. Yes.

16 Q. The progress reports that are submitted by
17 the Public Health Department as the local lead agency,
18 do they encompass the base funding that you get, or do
19 they encompass both the base funding and activities
20 conducted through your status as a competitive
21 grantee?

22 A. Each have separate progress reports.

23 Q. Okay. And your progress reports generally
24 cover periods of -- well, strike that.

25 Is there a defined period? Because going
26 through the progress reports, there appear to be some
27 time periods that were as much as a year and a half
28 long, others that appeared to be three or four

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1 months. Is there some rule of thumb we can use as to
2 the average period of time over which a progress
3 report will encompass activities conducted?

4 A. It's my understanding that -- since I can't
5 remember if it happened in '94 or '96 -- but for the
6 last at least five years, our progress reports are on

7 an every-six-month basis.

8 There are final reports at the end of every
9 allocation period; so, for example, in '01 we'll
10 submit a final report, but it will be attached to a
11 six-month report. And I believe in the early days
12 they were quarterly reports. But that's just my
13 recollection, so that's why you may have seen some
14 three-month reporting.

15 Q. Okay. Later in the deposition, I want to go
16 through the progress reports and make sure we have all
17 of them from you, or at least all the ones that are
18 available.

19 Off the record for a minute.

20 (Short break.)

21 (Jan Koegler exits the proceedings.)

22 Q. BY MR. L'ORANGE: Why don't we do some
23 cleanup from things that have occurred during the
24 depo, and then we'll pick up with something anew when
25 we get back at 1:00.

26 I take it from the fact that you have
27 \$143,000 currently sitting in a rollover fund, that
28 there have been years that you have not spent your

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1 total allocation from the State?

2 A. Yes.

3 Q. What would be the circumstances that would
4 result in the local lead agency not expending all of

5 its money in the course of a fiscal year?

6 A. Generally, it relates to staffing.

7 Q. In other words, money's allocated for staff;
8 you just didn't hire anybody?

9 A. Or somebody doesn't work out. And the
10 notion that this has been soft money -- in other
11 words, one doesn't create a County position for a
12 budget that's a moving target. So we have hired
13 sparingly and been sort of fiscally prudent, rather
14 than aggressive, given the fact that the monies have
15 increased and decreased at a whim over the ten-year
16 period.

17 So we've tried to create some sort of
18 stability and not overspend in one year and then be
19 left with nothing in a subsequent year.

20 Q. You wouldn't want to run for Congress by any
21 chance, would you?

22 A. Huh-uh.

23 Q. Just a thought.

24 Is there any document, or can you tell me
25 generally, as a local lead agency, how much of your
26 base allocation you have spent in each of the last
27 five or six years? Or am I asking you to speculate at
28 this point?

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1 A. It would be pure speculation. It would be
2 found in the cost reports submitted to TCS.

3 Q. Is there a summary cost report that covers

4 each fiscal year that would tell us what was spent in
5 the course of a year?

6 A. They, too, are at six-month intervals
7 corresponding to the progress reports.

8 Q. Okay. Is this \$143,000 figure something
9 that's been accumulated over the last ten years of the
10 program?

11 A. Yes.

12 Q. As a competitive grantee, in the two grants
13 that you described for us, recognizing that one of the
14 periods probably has not expired --

15 A. Correct.

16 Q. -- but have you expended on a yearly basis
17 the funds that you thought you were going to expend
18 from a competitive grantee standpoint; in other words,
19 there's no rollover there?

20 A. There is no rollover. Generally they're
21 expended. There have been times when some of the
22 money has been returned to the State.

23 Q. I see. And is that returned at the end of
24 the period, or is it returned on a fiscal-year basis?

25 A. Those grants are cost-recovery based, so you
26 only get paid for what you invoice.

27 Q. I see.

28 A. So it really never comes to us.

1 Q. I got you.

2 Any idea as to how much of the competitive
3 grantee money may have been returned to the State by
4 Santa Barbara over the course of the last five or six
5 years?

6 A. No.

7 Q. You're talking a significant amount at all?

8 A. I don't manage that grant directly. It's
9 not a significant amount.

10 Q. Okay. Have you ever undertaken any kind of
11 analysis to determine what is spent -- strike that.

12 Let me go back and get at it this way:
13 What's the population of Santa Barbara County?

14 A. We roughly estimate it at about 400,000.

15 Q. And has that remained relatively constant
16 over the last five or six years?

17 A. No. That's an adjusted calculation based on
18 population increases in the '90 census.

19 Q. Okay. So between '90 and today, generally,
20 the county's population, given all the fluctuations,
21 is estimated at about 400,000 residents?

22 A. Yes.

23 Q. Now, within that 400,000-person group, do
24 you have specific target audiences for your message as
25 the local lead agency?

26 A. It varies by work plan objective and
27 activity.

28 Q. Within that 400,000-person group, I take it

1 if you're a nonsmoker, you kind of move them out of
2 the area that you're concerned about because your
3 message won't have any impact on nonsmokers, right?

4 A. No.

5 Q. So you direct messages with respect to ETS
6 to nonsmokers? Let me rephrase the question.

7 A. Yes.

8 Q. Out of the county's population, are there
9 any groups that you have no interest in reaching at
10 all with your message?

11 A. I cannot think of one group that would be
12 excluded from education efforts.

13 Q. Okay. Has the Public Health Department ever
14 done any form of analysis to determine on a per-capita
15 basis how much money is expended, either on a yearly
16 or over the duration of the program, on each resident
17 of the county in terms of education and prevention
18 activities?

19 A. No.

20 Q. Do you have any idea as to the total sum of
21 money that's been expended in the county, either
22 through the competitive grantee program, your
23 allocations as the local lead agency, or the
24 utilization of rollover funds, over the
25 ten-year-program period the program's been in
26 existence?

27 A. Not off the top of my head, no.

28 Q. General estimate. Talking a million

1 dollars? 5 to 10 million? 10 to 20 million dollars?

2 A. Math is not my strong suit. It would be the
3 total of all of our allocations for both grants, which
4 are listed in the document production. I could
5 guesstimate, but I think it's better stated in the
6 documents we produced.

7 Q. If I wanted to determine that amount, I
8 would take the allocation you've gotten as the local
9 lead agency for each of the years, right?

10 A. Correct.

11 Q. All right. I would take the total of the
12 two grants you've gotten over the ten years, right?

13 A. (Witness nods.)

14 Q. And would I do anything with the rollover
15 funds? Those are already accounted for?

16 A. Correct, the rollover is part of the
17 allocation. So the LLA allocation and the two
18 competitive grantee totals --

19 Q. Okay.

20 A. -- are the total sum of dollars expended on
21 tobacco prevention through the Public Health
22 Department in the ten-year period.

23 Q. All right. Now, if I wanted to get an idea
24 of the total -- of totality of the effort through
25 Prop 99 funds, I would take what you and I just talked
26 about, and I would add in those funds that go to the
27 four organizations or the other organizations you've
28 identified for us where you act as an administrator or

1 fiscal pass-through for those outfits?

2 A. No, because those allocations would be
3 included -- the competitive grant is one total
4 package.

5 Q. Okay.

6 A. Let's say we got \$450,000, and X goes to ALA
7 to do their work, or Zona Seca, but it's still one
8 total amount; if you add those two numbers, plus the
9 allocations per year for the ten-year period of the
10 LLA, you have the total budget allocation for
11 tobacco-related prevention and education activities
12 for our county.

13 Q. I've got you. All right.

14 Earlier when we talked about the shift in
15 emphasis by the State, you indicated that you went
16 from sort of an individual- or group-based approach to
17 what you call a media-based and public-education
18 approach.

19 A. I said policy, I think.

20 Q. I'm sorry. All right. Can you go back and
21 tell me what you meant by that? I know we tried to
22 struggle through it. We're trying to get a better
23 grasp on what you meant.

24 A. I used a specific example, which was the
25 implementation the State workplace law. And our
26 effort, for example, would have included a press
27 release out of our department, the Public Health
28 Department, that went out to all the media outlets and

1 our local legislation. Generally goes to the boards
2 of supervisors and city officials, state legislators
3 to get the word out that the law was passed and what
4 it entails.

5 We then respond to questions both from
6 community members, the business community, chambers of
7 commerce; we would maybe try and get -- that same
8 press release would go to them to maybe put an insert
9 in their newsletters; these are the types of community
10 based education we would do, for example, on an
11 ETS-specific activity, costing only staff time; it's
12 not a paid placement of advertising.

13 Then we would also directly connect with the
14 enforcement agents, the designated enforcement agents
15 in each of the seven jurisdictions; and we act as the
16 health officer of -- the Public Health Department acts
17 as the enforcement agent for the unincorporated area.
18 So that would be an example.

19 And we would interface with them to make
20 sure that they had a protocol in place for responding
21 to any piece of legislation. That would be an example
22 of we're no longer dealing with doing a presentation
23 at a work site specifically about this law; we're
24 dealing with community response and complaint, media
25 outreach, and then sort of the public policy arena of
26 making sure that policy has an interface in each of
27 the communities.

1 workplaces, for want of a better term, a hotly
2 contested issue in the county? Was there a lot of
3 publicity generated over it?

4 A. Can you be more specific?

5 Q. The process that you just described for me
6 in terms of the media outreach and your involvement on
7 a policy level, was that because the introduction of
8 smoke-free workplaces in the county was an issue where
9 businesses were concerned about the loss of business
10 or businesses were concerned about the loss of
11 employees or an upset in their business routines? Was
12 there a lot of publicity generated about it?

13 A. I want to be specific. There were local
14 efforts around clean indoor air that were going on
15 simultaneously with the introduction of the State
16 legislation.

17 In most cases, the local laws came into
18 effect at the exact same time that the State laws did;
19 but because there was local debate, there was media,
20 not generated by our office --

21 Q. I understand.

22 A. -- around that issue, probably during the
23 year preceding the State law being passed.

24 Q. Okay.

25 A. But there wasn't particular controversy, to

26 my knowledge, from '95 forward.

27 Q. What about with the introduction of
28 smoke-free bars? Did you find that to be a subject of

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1 controversy debated within the media in the county?

2 A. It's my recollection there were two to five
3 articles in the month of January after the passage of
4 it and that local media did not run wildly with it.

5 MR. L'ORANGE: Okay. Why don't we break for
6 lunch, and we'll see everybody back here at 1:00. And
7 we'll do our best to get you out of here early, but
8 we've got some stuff to cover. But we'll do our best
9 to get you out of here early.

10 THE WITNESS: Okay.

11 (The lunch recess was taken at 12:00 p.m.)

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1 Santa Barbara, California

2 Monday, April 3, 2000

3 1:05 p.m.

4

5 EXAMINATION (Continued)

6 BY MR. L'ORANGE:

7 Q. Just a couple of cleanup questions.

8 You gave us some numbers for grants earlier
9 this morning, and you estimated that from '91 to '95
10 the grant was roughly in the 4- to \$500,000 range.

11 Now, is that the totality of the grant, or
12 is that per year?

13 A. Totality.

14 Q. '97 to '01, you thought it was a little bit
15 lower, 300,000, 400,000. That, again, is over that
16 four-year period, not per year?

17 A. Correct.

18 Q. Okay. On the ETS portion of your program,
19 is there a particular target audience that you direct
20 the ETS activities towards?

21 A. Each year is different. So I'll tell you
22 what's in the three-year plan right now.

23 We have two ETS objectives. One is, I
24 believe, stated as broadly and as specifically as to
25 achieve 100 percent compliance in work sites as it
26 relates to the AB-13, which is the State law. And
27 then there are a list of activities under that to meet
28 that objective. That would target local law

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1 enforcement, the designated enforcement agents, the
2 district attorney, if need be. I mean, these are some
3 of our target populations that we interface with as
4 well as serve in terms of disseminating information.

5 In this plan we have a specific target group
6 of the Spanish-speaking community, monolingual
7 Spanish-speaking community. But, in general, it's the
8 general public. I mean, businesses are a subgroup of
9 that, employees -- but it could and does affect every
10 single resident --

11 Q. Okay.

12 A. -- in the county who's probably, let's say,
13 over the age of 18, with that one, or it could be a
14 16-year-old who works. But, generally, it's more an
15 adult population with that one.

16 Q. Now. Have there been times when you have
17 targeted school-aged children or expecting mothers who
18 either were going to have babies or who already had
19 babies at home with respect to ETS now?

20 A. We gave well-baby -- we prepared well-baby
21 kits in the early days that went out to the seven

22 hospitals for new moms. So that would include
23 information about ETS. Just general pamphlets -- I
24 don't remember the details -- and things you can do
25 around tobacco use, nontobacco use.

26 Q. Was that through the so-called WIC program?

27 A. No. That was directly through the Tobacco
28 Prevention Program to the, at the time, seven private

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1 hospitals.

2 Q. Okay. Now, is there a program called WIC
3 that is a source of information about ETS in the
4 county, Women, Infants and Children?

5 A. There is a WIC program, yes.

6 Q. Okay.

7 A. I am not privy to what they do related to
8 ETS.

9 Q. Is that not a program that's administered by
10 or through your organization?

11 A. Public Health Department administers the WIC
12 grant.

13 Q. Okay. Now, do you coordinate at all with
14 the Public Health Department in any way to coordinate
15 your message with theirs or make sure their message is
16 coordinated with yours?

17 A. We inservice clinic staff annually. We
18 inservice or provide brief inservice training to the
19 clinic staff at the County level.

20 Q. Okay.

21 A. We respond to requests for information,
22 whether they be from County programs or community
23 programs or individuals or schools. And in the past,
24 to the best of my knowledge, we have provided
25 information and materials to the CHD Program.

26 Q. The --

27 A. It's the -- it's CHDP, Children's Health
28 Disability Program. I think Children's Health and

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1 Disability Program. I'm not sure. I know it's CHDP.

2 Q. Okay.

3 A. We do some coordination with the Dental
4 Disease Program in terms of oral health.

5 Q. Okay.

6 A. We've done some coordination with the
7 Perinatal Outreach Program and the Maternal Child
8 Health branch, MCH. But there isn't a concentrated
9 coordinated planning body within the County which we
10 head or are a part of about the dissemination of
11 tobacco information.

12 Q. Now, these organizations that you've just
13 identified for me, are these administered by the
14 County Health Department?

15 A. Yes.

16 Q. Same organization you're affiliated with,
17 right?

18 A. Different programs, within the same

19 umbrella.

20 Q. All right. Now, the information that you
21 provide to these other organizations within the same
22 umbrella, it would also include information on ETS?

23 A. Yes.

24 Q. Over the last six years, has there been --
25 strike that. That was going to be an awful question.

26 What I'm asking you about, really, is the
27 ETS warnings that your organization has been
28 responsible for, and the ETS information, over the

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1 last six years.

2 Has there been a shift from warning
3 generally about ETS, "ETS can kill," to more specific
4 health warnings as new science information is made
5 available to you; i.e., "ETS has been associated with
6 emphysema in children"?

7 And I can really ask it in one simple
8 question: What health effects concerning ETS have you
9 warned about over the last six years?

10 A. I'm making a face because it's a complicated
11 question.

12 Q. Okay.

13 A. In the arena of public education, we are
14 generally giving a more bulleted message like the one
15 that you echoed: "ETS kills." And we really rely on
16 the State for the direct media messages, broad

17 campaign about any one of our priority areas.

18 So if I am educating physicians -- if I am
19 conducting or my staff is conducting a training with
20 County physicians who are going to be seeing patients,
21 we may talk more specifically about their role in
22 referring to cessation or that they should be
23 assessing exposure to ETS. Very rarely do we educate
24 about the specific health risk because it's too
25 sophisticated and specific for the populations that we
26 serve.

27 Q. Now, going back to an earlier question,
28 would it be fair to say, with respect to any education

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1 on specific health effects associated with ETS, you
2 leave that to the State media campaign; is that a fair
3 statement on my part?

4 A. Can you repeat that?

5 Q. Essentially what I'm suggesting is that any
6 education concerning specific health effects
7 associated with ETS you leave to the State media
8 campaign other than what you originally described for
9 me, for instance, dealing with a physician, staff,
10 educating them.

11 A. Yes, roughly. Your question is very
12 specific. I would state it as such: The State media
13 campaign deals with a lot of different areas as it
14 relates to ETS, and they are not all health-risk
15 specific.

16 Q. Agreed.

17 A. So we do not have the funds to run media
18 campaigns that are sophisticated and would appeal to
19 subgroups of target -- we just don't have the money to
20 run good media campaigns, period.

21 For the most part, we rely on that kind of
22 education, that broad-based media outreach to be
23 developed -- the creative end of it, to be developed
24 by the State.

25 If somebody calls and wants to know what the
26 specific health effects are, we're going to refer them
27 to web pages; we're going to refer them to our
28 resource library. Those calls might be five a year.

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1 It's a student writing a report; it's a parent who has
2 a kid who's being exposed. But they are not the
3 norm.

4 And, in general, if we interface with -- I'm
5 just going to give a number for percentage purposes --
6 and this would include telephone consultation, and/or
7 direct contact via presentations or trainings or
8 whatever. I'd say that in 10 percent or less, do we
9 get specific about health risks.

10 Q. To your knowledge, do the members of CEASE
11 either have programs or channels of information where
12 the specific health effects of ETS are transmitted to
13 the residents of Santa Barbara County?

14 A. Absolutely not.

15 Q. What is your role in the CEASE meetings when

16 they are convened each month?

17 A. My staff and I facilitate the meetings.

18 Q. Do you act as a chair or a coordinator of

19 the discussion? How do you facilitate?

20 A. Yes, either myself -- or I create the agenda

21 with input from the chairperson.

22 Q. Okay.

23 A. And we would move the meetings along, along

24 the lines of the agenda.

25 Q. Okay.

26 A. We're responsible for taking the minutes --

27 "we," meaning my staff.

28 Q. Right.

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1 A. -- and disseminating the minutes. Is

2 that --

3 Q. Yeah. Got it.

4 Does your organization -- as a local lead

5 agency, do you get any funding from the federal

6 government at all through these activities, through

7 these -- these activities, for instance, Health and

8 Human Services? Anything on a federal level at all?

9 A. None.

10 Q. Have you in any way been contacted by the

11 people who are setting up the Proposition 10 apparatus

12 to administer their warning programs and their funding

13 for Santa Barbara?

14 A. We talked to the Prop 10 chair -- I mean the
15 staff person and provided -- I can't remember exactly
16 what they asked for. It was, you know, some
17 documentation, and I don't remember the specifics of
18 it.

19 Q. Have you talked any coordination of
20 respective warning campaigns; they're going to warn
21 about ETS for a period, so you're going to concentrate
22 on reduction of youth access; the roles may reverse
23 down the line? Any discussion?

24 A. The local Prop 10 commission isn't doing
25 that. That would be at the State level. So, no,
26 there's no interface between their outreach activities
27 and ours.

28 Q. All right. Do you know if any of their

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1 outreach activities in the county currently address
2 ETS in any way?

3 A. No, I'm not sure.

4 Q. Has there been any discussion by you,
5 members of your local lead agency, with the County
6 about applying to the American Legacy Foundation which
7 is administering the MSA fund to be a competitive
8 grantee for additional monies for your warning
9 programs?

10 A. No discussions.

11 Q. To your knowledge, has there been any
12 discussions among representatives of local lead
13 agencies and the Tobacco Control Section?

14 A. Can you repeat that?

15 Q. Sure.

16 Have there been any discussions about the
17 Tobacco Control Section applying to the American
18 Legacy Foundation seeking monies as a competitive
19 grantee, which would then be disbursed down to the
20 local lead agencies to augment the existing programs?

21 A. I have heard of no such discussions.

22 Q. Okay. In terms of the activities conducted
23 by the Public Health Department, you mentioned you do
24 training at times of physicians or their staff with
25 respect to tobacco prevention and control issues?

26 A. Specifically, right now, we inservice
27 annually the staff of the County clinics. And there
28 are five locations. That's about a 10- to 15-minute

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1 presentation generally focusing in the area of
2 cessation.

3 Q. Okay.

4 A. But assessment of patients and appropriate
5 referral strategies and resources that are available
6 in the community and statewide, more specifically we
7 have begun to inservice the physicians separately on a
8 more in-depth basis, again, with the focus being on
9 cessation.

10 Q. Do you address ETS issues in the inservice
11 in County clinics or the more in-depth sessions with
12 the physicians?

13 A. Yes.

14 Q. Now, besides the County clinics, do you do
15 presentations to any of the private hospitals on an
16 annual basis or periodic basis?

17 A. Not currently.

18 Q. You have done so in the past?

19 A. In the early years.

20 Q. Okay. Was ETS a topic that was discussed?

21 A. No.

22 Q. Has there been a time when ETS has been
23 discussed with the staff of the private hospitals in
24 the county, that you're aware of?

25 A. Not by my department. And may I clarify the
26 question as it relates to the clinics and the
27 inservices and ETS?

28 The specific ETS references would be two:

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1 One, that clients should be assessed as to their
2 smoking status and/or exposure. Whether that's
3 implemented is not -- I mean, that's just a
4 recommendation. And then second, to just reinforce
5 any existing local or State policies they are entitled
6 to in terms of clean indoor air.

7 Q. Okay. Have we described the totality of

8 your organization's activities with the health care
9 facilities in Santa Barbara County, or are there other
10 programs or contacts you've had relative to cessation
11 activities or ETS? And, again, I'm restricting it now
12 to the health care system.

13 A. Yes, with the exception that other clinic
14 settings like the Veterans Administration or Sansum,
15 who early on would contact us, and we would do much
16 the same kind of inservice. They weren't private
17 hospitals, nor were they the County clinics. But that
18 would be the range of the type of activity with health
19 care.

20 Q. Okay. You mentioned earlier in your
21 testimony that your folks have gone to work sites and
22 talked about smoke-free issues, indoor-air issues,
23 particularly during the time that AB-13 was being
24 debated.

25 A. No.

26 Q. No. All right.

27 Have you gone -- has your organization gone
28 to work sites within the county to deliver much of the

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1 same message that you described for me with the health
2 care?

3 A. No.

4 Q. Is there a reason for that?

5 A. In the early days, we would do work-site
6 presentations mainly surrounding cessation.

7 Q. Okay.

8 A. It was a stronger emphasis in the early
9 days. We would -- work sites would contact us to come
10 on-site and deliver cessation programs for their
11 employees. Some of this was taking place even before
12 there were work-site restrictions. So ETS in the work
13 site wasn't what it is today.

14 Q. Okay.

15 A. If a work site has a wellness component, a
16 sort of -- I think wellness is a good way to put it --
17 every once in a while -- I think right now I can count
18 two times in the last five years that they would
19 contact the Cancer Society or us directly and say,
20 "We'd like a presentation."

21 So they'll call in a doc, and they'll call
22 on us or a cancer volunteer to come in and sort of
23 talk about tobacco, what's going on, in that general
24 arena.

25 And so in the two that I'm thinking of that
26 I was present, there were discussions about ETS
27 policies as they applied locally, and I did observe
28 the tail end of the physician presentation. He was a

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1 lung specialist. He was talking about health.

2 Q. Okay.

3 A. But there were, like, 12 people in the room,
4 so it wasn't like a broad-based outreach activity.

5 Q. Now, while this may have occurred on a
6 sporadic basis, it's certainly a service, if a
7 business within the county wants it, you'll try and
8 respond and provide somebody to provide information on
9 ETS or health-related activities involved with
10 smoking?

11 A. We would try and facilitate them getting the
12 information they need. It may not be in the form of
13 presentation; it may not be in the form of our staff.

14 Q. Could be pamphlets that you send out?

15 A. Exactly.

16 Q. Do you do the same thing for labor unions,
17 or have you done the same thing for labor unions in
18 the past in the county?

19 A. No.

20 Q. Do you, as a local lead agency, interface
21 with the school system in any way to promote the
22 messages that you're promoting about tobacco?

23 And let me just give you some background.
24 We learned at the State level there is a program being
25 administered through the Department of Education. We
26 also got the sense that there was some interface from
27 what is the State-mandated program with the schools,
28 but we couldn't get clarity of what it looks like at

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1 the local level. So that's the reason --

2 A. Do we interface? Yes.

3 Q. Okay.

4 A. Is it complicated? Oh, yes.

5 Q. Okay.

6 A. Do you want a brief explanation at the local

7 level or no?

8 Q. Yeah. Yeah, would you, please.

9 A. Okay. Our mandate is to do -- is to educate

10 everybody with the exception of school-aged youth in

11 the public school system. So the California

12 Department of Education has that mandate with their

13 funds.

14 We're supposed to somehow serve the

15 remainder of the population. However, by mandate and

16 the way this came down the pipe, as the local lead

17 agency, we are supposed to coordinate with the schools

18 in theory, and mostly at our county it has been

19 theoretical.

20 For a while I used to have to sign off on

21 the plans they submitted, but I had no input into the

22 plans and nor into their execution or any kind of

23 account agent.

24 And my experience locally -- and I think I

25 understand the way it's working in the rest of the

26 state is -- each school district is governed by its

27 own board, school board. We have 23 independent

28 school districts. And they get to use those TUPE

2 their administration see fit within their guidelines.
3 So that's the sort of basic infrastructure model.
4 And locally it really depends on the
5 people. And we have a stronger school component in
6 North County than we do in South County. And there
7 are some reasons for that: Other funding streams --
8 but, generally speaking, the schools do their own
9 thing. That would be my simple, thumbnail sketch of
10 Santa Barbara.

11 So we've always been interested in our
12 coalition, as it's -- one of their passions is to try
13 and interface with what's going on in the school. And
14 youth are one of our top priorities in the coalition,
15 but it's more of a closed system.

16 Q. Okay. Now, recognizing what you've just
17 explained to me, is there any coordination at all that
18 goes on between you and the Department of Education in
19 terms of messages to deliver to youth, coordinating
20 what's going on in the school system with other
21 messages that are being delivered through the four
22 subcontractors that you've identified for me?

23 A. None.

24 Q. Okay. With respect to community-based
25 organizations and, let's say, community service
26 organizations that have an interest in tobacco
27 control, those are primarily the organizations that
28 make up CEASE; is that a fair assessment on my part?

1 A. Can you say it one more time?

2 Q. If you're a community-based organization, a

3 church, a club that services youth --

4 A. Okay.

5 Q. -- the Boy Scouts, the Girl Scouts, and you

6 have an interest in, let's say, ETS, is it a fair

7 statement to say that if you've got that interest and

8 you want to get the message out, you're a member of

9 CEASE?

10 A. I'm not sure. I think it would be a good

11 idea, but I'm not sure that the connection is always

12 made.

13 Q. Okay. CEASE is primarily composed of

14 community-based organizations? Do I understand that

15 correctly from your prior testimony?

16 A. I said, I think -- and I don't have an exact

17 count -- that we're maybe about two-thirds member

18 organizations and a third just general community

19 members with no organizational -- no stated

20 organizational affiliation.

21 Q. I understand from your earlier testimony

22 that school-aged children in the public education

23 system fall under the domain of the Department of

24 Education.

25 And what about preschool-aged children? Are

26 they an audience that you attempt to reach through

27 your organization?

28 A. Not at present. In prior years one of our

1 subcontractors -- actually two -- in the first grant
2 were specifically reaching preschool-aged youth
3 through -- it was the CADA, C-A-D-A, California --
4 excuse me -- Council on Alcoholism and Drug Abuse, and
5 UCSB and using peer health educators and prevention
6 people, did puppet shows with preschool-aged youth,
7 and it was specific to ETS.

8 Q. Did you say "peer" --

9 A. Peer health educators, in other words,
10 college-aged students who were trained, rather than a
11 lay -- professional, rather than a --

12 Q. Okay. And this would have been the first
13 grantee period, from '91 to '95?

14 A. Yes.

15 Q. All right. Now, have those efforts
16 continued in any way by any organization?

17 A. Not to the best of my knowledge.

18 Q. Any reason why?

19 A. Money.

20 Q. Okay.

21 A. ETS is not a priority of any of these other
22 agencies, nor would any sort of flavor of the month,
23 as it were, be unless they're being funded directly to
24 do that. That's my experience.

25 Q. Okay. Any understanding as to why that's
26 the case?

27 A. They perceive other problems to be more of a
28 priority, and they're funded to do work in other

1 areas.

2 Q. Have any of these other organizations ever
3 spoken to you from the perspective that cessation is
4 the way to go because the fewer people that smoke
5 means a reduction in the number of people exposed to
6 ETS?

7 A. Never.

8 Q. So ETS activities, then, for the County of
9 Santa Barbara, are essentially those which are either
10 conducted by you as the local lead agency or overseen
11 by you by subcontractors working for you?

12 A. Yes, primarily.

13 Q. All right. Now, to your knowledge, over the
14 last ten years, have there been any other sources of
15 ETS information available to the county residents, for
16 instance, American Lung, American Heart, American
17 Cancer Society?

18 A. In our area the American Lung Association
19 does tobacco education in the schools under the TUPE
20 contract in most cases, and I believe it's in the
21 elementary ages, like at -- I think their emphasis is
22 4 through 6.

23 Q. Okay.

24 A. It's my understanding that the bulk of that
25 curriculum is there are some health effects, but the
26 bulk of it is in sort of media literacy and ad
27 messages, sort of understanding the way media
28 influences them.

1 I have not analyzed the curriculum to look
2 at what percentages of it is ETS, but I would say it's
3 a minor portion of the curriculum, but it is probably
4 mentioned.

5 Q. Okay. Do you have any understanding as to
6 whether children in the category of 12 to 18 in
7 programs handled by the Department of Education, for
8 instance, have portions of their textbook devoted to
9 tobacco-related diseases?

10 A. I have no idea.

11 Q. Okay. Of the county's population of
12 400,000, given the number you gave us earlier today,
13 is there a percentage of that that is comprised of
14 minorities, preferably ethnic minorities?

15 A. Oh, yes.

16 Q. Do you know what that is offhand?

17 A. You know, without looking at the numbers,
18 because the last time we wrote the plan was years ago,
19 I don't. But it is a significant -- I think that more
20 than two-thirds of the elementary school population
21 is -- at least a half, moving towards two-thirds, is
22 ethnic minorities, specifically Hispanics, and they
23 comprise the largest proportion of ethnic minorities
24 in our county.

25 Q. Do the programs administered by your local
26 lead agency take into account reaching ethnic
27 populations?

1 Q. Are there specific ethnic populations within
2 the county that are reached? You mentioned Hispanic.

3 A. In earlier years we had specific
4 subcontractors doing community outreach and/or direct
5 services with the Spanish-speaking population. Those
6 would be the Central Coast Health -- what -- did I
7 mention -- it no longer exists, which is why I can't
8 remember their name. I said it previously. Central
9 Coast --

10 Q. I think I've got it here. Central Coast
11 Area Collaborative --

12 A. No. It was a community. It was a health
13 agency in North County.

14 Q. Okay.

15 A. The names will be found in the documents,
16 and if it comes to me, I will interject it. I do
17 believe I said it when I mentioned the previous
18 subcontractors.

19 Q. Central Coast Health is what you gave.

20 A. Okay.

21 Q. All right. So they were designed to reach
22 Hispanic --

23 A. And the Guadalupe Community Clinic had a
24 migrant farm worker and migrant education,
25 specifically monolingual Spanish-speaking.

26 Q. Now, besides the Hispanic population, are
27 there other ethnic minorities that you've tried to
28 reach in the county? Asian Pacific Islander?

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1 African-American? Any other ethnic subgroup?

2 A. Well, we've both -- the times that we
3 subcontracted in those competitive grants, we've
4 worked with the Tribal Health Clinic, which is our
5 Indian reservation.

6 Q. Now, Native American?

7 A. Native American.

8 Q. All right.

9 A. Now, in the early years we, through the LLA,
10 did sort of a mini-grant to an African-American
11 youth-serving organization, the Alliance for Community
12 Development. It no longer exists. And then there
13 were -- gay and lesbian population. We had some
14 outreach through the Gay and Lesbian Resource Center
15 in the early days.

16 Q. Now, you keep using the phrase "early
17 days." What's happened more recently? Are there any
18 organizations, grantees, or portions of your LLA which
19 are serving, let's say, the African-American community
20 today?

21 A. Not specifically.

22 Q. All right. Is one explanation for that, the
23 information that you disseminate, for instance on ETS,
24 is disseminated in English and the African-American

25 population would be as conversant in English as the
26 general public would?
27 A. My explanation would be that with \$150,000
28 and 400,000 people, you got to reach big because we

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1 can't do -- if I had money, I would have a community
2 outreach worker working in the African-American
3 population, albeit small, because it would be a more
4 effective way of integrating tobacco prevention
5 education.

6 I mean, the research sort of shows, if you
7 go to the people and do it on their level and in their
8 terms, you're going to have better effect. But it's
9 all about money and sort of that theory of "bang for a
10 buck." But it is not that -- we're sort of shooting
11 with a broad net, and I wouldn't say that what you
12 said is exactly accurate.

13 Q. The broad net that you're casting, you're
14 trying to reach the maximum portion of your population
15 given the resources available?

16 A. Yes.

17 Q. Okay. Any subcontractor, grantee who is
18 trying to reach the gay and lesbian population today?

19 A. No.

20 Q. When you talk about early days, are we
21 talking about the first grant period that expired in
22 roughly 1995?

23 A. Yes, and the early LLA allocations, which
24 were also larger.
25 Q. Okay.
26 A. Let's sort of divide at the five-year,
27 six- -- five- or six-year point. So around about
28 '94 -- because the whole priority shifted. I mean,

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1 the priority that you set forth, those three mainstay
2 priorities, weren't the priorities in the beginning.
3 We were working on an NCI.
4 Q. The NCI model?
5 A. And they shifted to this sort of
6 three-priority-area model.
7 Q. Okay. Has anyone tried to make an
8 assessment to demonstrate that, for instance, the
9 African-American community and the gay and lesbian
10 community are being reached in the sense that messages
11 being disseminated are done so in English and each of
12 these subgroups comprises a portion of the general
13 market?
14 A. I don't know.
15 Q. As an LLA, have you made use of the ethnic
16 networks at any time over the last ten years of the
17 program?
18 A. One of our coalition members -- actually,
19 two of our coalition members are members of ethnic
20 networks, both, one being the Hispanic-Latino network,
21 and two being the Native American network. I also

22 hear reports from the ethnic networks at sort of the
23 larger State conferences.

24 Q. Is it fair to say that the two largest
25 minority populations in your county are Native
26 Americans and the Hispanic-Latino?

27 A. I actually think by population distribution,
28 it would be Hispanic-Latino, number one; and Asian

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1 Pacific Islanders, number two, based on our college
2 campus population.

3 Q. So you have a lot of Asian Pacific Islanders
4 at Santa Barbara?

5 A. I think they comprise a percentage. And
6 then there is the Hmong, H-a-m-o-n-g (sic),
7 population.

8 Q. They are from --

9 A. They may be from Laos. You know what?
10 They're hard to reach, and I know that the health
11 programs that are doing outreach there have a specific
12 subcontractor or staff person who was working just
13 with that population.

14 Q. With that population?

15 A. It's not somebody you're going to catch in a
16 large net. Those demographic data that you're looking
17 for would be found in our comprehensive work plan in
18 the community profile.

19 Q. Again -- and I'm trying to keep the entities

20 straight here -- the specific organization that's
21 working with the Hmong population, is that one of the
22 subcontractors over which you have jurisdiction?
23 A. No.
24 Q. That is another organization?
25 A. Different priority area. I just was -- as a
26 digression, so as to say that I have heard in my work
27 in the health care arena that those programs who are
28 targeting that population do so very specifically.

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1 Q. Are they administered through the Department
2 of Public Health as well?
3 A. I suspect they're probably -- the one that
4 I'm thinking of is and that there are probably others
5 in the Lompoc Valley that do that directly, but I
6 don't know the names.
7 Q. Okay. Has there ever been any attempt on
8 your part to approximate how much of the monies that
9 you have spent as a local lead agency were expended
10 attempting to try -- trying to reach minority
11 populaces?
12 A. No.
13 You know, I don't think I ever completely
14 answered the where -- who we targeted with ETS
15 education. I gave you our first objective, which was
16 in the work-site area and very general population
17 based with a specific focus on outreaching to Latinos
18 in that work-site arena.

19 And a second objective is usually a planning
20 objective, which is around college-aged youth and
21 smoking in actually dormitories, exposure to tobacco
22 and ETS in enclosed residences on college campuses.
23 Those are two specific ETS objectives.

24 Q. To your knowledge, are there any
25 organizations, whether administered by the Public
26 Health Department or some other agency, attempting to
27 reach minorities with respect to ETS dangers posed by
28 smoking in homes and in cars?

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1 A. No.

2 Q. As a local lead agency, have you
3 participated in or supervised any attempts to reach
4 incarcerated populations about the dangers of ETS?

5 A. Yes.

6 Q. Can you give me just a bit of a background
7 on those?

8 A. The Zona Seca's role in the '91-through-'95
9 competitive grant was specific to the jail, and it
10 was -- the actual objective was to create a smoke-free
11 jail on the inside. And it happened. I can't
12 remember exactly what year, but fairly early on the
13 County jail went smoke-free.

14 And this person was there to work with
15 inmates -- both inmates and staff prior to and during
16 that transition.

17 Q. Any idea what the status of the jail is
18 today? Is it still smoke-free?

19 A. It's my understanding it's a smoke-free
20 environment inside the facility. I think work
21 furlough and the exterior allow smoking.

22 Q. Okay. What about recently arrived
23 immigrants in the county? Is there any outreach
24 program that you know of administered either through
25 you as an LLA or another entity designed to reach
26 people who are newly arrived in the county?

27 A. No.

28 Q. Has there been in the past?

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1 A. Not that I'm aware of.

2 Q. Do you have any idea of the number of new
3 immigrants you receive in the county each year?

4 A. I have no knowledge of that.

5 Q. No idea. From a nationality standpoint,
6 what the distribution -- are they overwhelmingly
7 Hispanic versus --

8 A. This is now speculation. I think it would
9 be fair to say that the bulk of the immigration is a
10 Hispanic-Latino background, but not -- it wouldn't be
11 the sole basis, but the prominent.

12 Q. As an LLA, have you had an opportunity to
13 work either in conjunction with or assisting other
14 counties in the implementation of their Prop 99
15 Programs?

16 A. We provide technical assistance to other
17 counties, if it's requested.

18 Q. When you say "technical assistance" -- and
19 I've seen that in the documents on occasion -- what do
20 you mean by that?

21 A. Help.

22 Q. In other words, you answer their questions?

23 A. Yes, or refer them.

24 Q. To someone who can if you can't?

25 A. Right. If I have knowledge of a source
26 that -- I mean, sometimes -- the main area of
27 expertise that our County seems to have developed is
28 in this area of self-service display bans, which is in

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1 the youth access arena and probably not germane to
2 this particular investigation.

3 However, let's say Orange County called up
4 and said, "We want to implement this kind of policy.
5 How'd you do it?" And then we'd say, "We did this.
6 We did that. Let me fax you this," or "Here's a copy
7 of our law. Here's what went right. Here's what we
8 might have changed. Here were the players" -- you
9 know, however that goes down.

10 And we've presented on that topic, both at
11 State conferences and actually out of the area.

12 Q. What about any interface with Ventura
13 County? Any assistance with respect to their program

14 at all?

15 A. Almost none.

16 Q. All right. What about Monterey County?

17 A. Again, when I say almost none, I remember in
18 the past five years that Ventura would call and say,
19 "What'd you do about this?" So maybe half a dozen
20 phone calls between their staff and ours.

21 Monterey and I have interfaced more. Our
22 counties are very similar in demographics and -- I
23 mean, in size and demographics. And one of their
24 staff people and I were on a common State work group,
25 which was the youth access work group.

26 But, again, it's more in the area of,
27 "Thinking about doing this. Have you done it
28 before? Do you have a sort of road map?"

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1 Q. Is there an organization you're aware of
2 called Children Against Tobacco and Smoking?

3 A. I've never heard it.

4 Q. How about the California Tobacco Control
5 Resource Partnership?

6 A. It doesn't exist anymore, but it used to.
7 The Western Consortium for Health, Stanford, and
8 Americans for Nonsmokers Rights is no longer, but it
9 did.

10 Q. All right. Over what period of time did --

11 A. I think it was in the early days. Probably
12 ended about -- around the time our competitive grant

13 did because I think they were part of a competitive
14 grant cycle. And what they did was facilitate State
15 trainings, I think, and act as State technical
16 assistance providers to TCS-funded programs.

17 Q. Okay. Have you at any time ever seen a
18 document called "Tobacco Control Guidelines," issued
19 December 28, '99? Does that ring a bell with you?

20 A. Yes, it does. I was an intern. I wasn't
21 employed yet. I vaguely remember it.

22 Q. Okay. Do you -- I looked for it in your
23 documents, and I didn't see it anywhere. Are you
24 aware of whether your agency has a copy of that at
25 all?

26 A. We probably do, and I believe that I pulled
27 everything out of archives that I thought was
28 germane. And if you need me to search further for

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1 that, I mean, it was the basis for the early work
2 plans. It may actually not be in my hands, you
3 know -- it was maybe purview to someone else at the
4 Health Department at the time, but I suspect we have a
5 copy somewhere.

6 Q. Okay. If it's not a lot of trouble, I would
7 love to get a copy of it. If it becomes searching for
8 the proverbial pin in the haystack, let us know, or
9 let your counsel know, and he can call us and we won't
10 mess with it.

11 A. I suspect it's the same document that TCS
12 provided for you, copy for you. It's the 1989 Tobacco
13 Control --

14 Q. It's "Tobacco Control Guideline for Local
15 Lead Agencies, Dated December 28th, 1989."

16 Does your organization interface or deal
17 with ASH in any way?

18 A. We receive their newsletter.

19 Q. Okay. Do you, in turn, pass any of the
20 information that ASH provides to you on to your
21 grantees or the populations they're trying to reach?

22 A. Not generally.

23 Q. What about Americans for Nonsmokers Rights?

24 A. We've seen their newsletters.

25 Q. Do you try and pass any of their information
26 on to the subcontractors that you supervise or to the
27 populations they're trying to reach?

28 A. No.

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1 Q. What about Smoke-free Air For Everyone or
2 SAFE?

3 A. I'm familiar with them mainly from State
4 conferences and because they're regionally connected
5 to us, based in Ventura County.

6 May I qualify the previous answers by
7 specifically stating that if something is new and
8 perceived to be topical for the broader membership of
9 CEASE, we will include it at the meeting for people

10 to -- now what we have is a notebook that gets passed
11 around. People put a Post-it on it if they want a
12 copy of something, or we'll give it in an update if
13 we're giving -- if it's really newsworthy.

14 So I suspect that from time -- I would say
15 not. I can't remember an instance that the ASH
16 newsletter would have come across the CEASE
17 discussion, more so maybe something that came out of
18 the ANR newsletter. It's --

19 Q. ANR would be the --

20 A. -- Americans for Nonsmokers Rights.

21 The only thing -- I remember disseminating
22 SAFE's -- was the fact they were able to work with
23 Disneyland and make the park virtually smoke-free.
24 Other than making Disneyland smoke-free, other than
25 that, no.

26 And, essentially, anything that is a handout
27 at the meeting gets disseminated, or a list of the
28 handouts gets disseminated to CEASE members. And

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1 that's pretty much the dissemination process from
2 those sources.

3 Q. Okay. Now, to your knowledge, does ASH
4 disseminate ETS materials? Are they available from
5 ASH?

6 A. I think they are.

7 Q. Does the organization American for

8 Nonsmokers Rights disseminate ETS materials?

9 A. I think they are available through ANR, yes.

10 Q. Now, Smoke-free Air For Everyone, do they
11 disseminate ETS materials?

12 A. I'm not sure about their dissemination
13 mechanism. I believe, on request, it's definitely
14 available.

15 Q. All right. Could a resident of
16 Santa Barbara, to your knowledge, obtain ETS materials
17 from any one of these three organizations if they
18 simply asked for it?

19 A. Oh, yes.

20 Q. Are you familiar with something called the
21 Tri-County Regional Team?

22 A. Yes.

23 Q. Does that still exist?

24 A. Yes.

25 Q. And what is the Tri-County Regional Team?

26 A. It is a separately funded, TCS-funded agency
27 that does regional tobacco prevention activities in
28 the Tri-County region, which would be Santa Barbara,

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1 San Luis Obispo, and Ventura Counties.

2 Q. Are you familiar with their program?

3 A. Yes.

4 Q. Does it embrace ETS as well as other tobacco
5 messages?

6 A. I'm trying to reference.

7 Q. Sure.

8 A. I believe that there's some emphasis on ETS,
9 but it's minor.

10 Q. Do you coordinate with the Tri-County
11 Regional Team in any way with respect to the messages
12 you're delivering versus the messages they're
13 delivering?

14 A. Yes.

15 Q. What type of coordination do you guys do?

16 A. Well, I'm on the executive committee for the
17 team. I chair their media committee. My staff holds
18 positions on their two other subcommittees, which
19 would be the Mini-Grant Committee and the Youth Action
20 Committee.

21 So, for example, if they were giving funds
22 to an organization, we would be aware of it. And we
23 would be fully apprised of the kinds of programs they
24 are doing. When they run media -- and they generally
25 have a larger media budget than the local lead
26 agency -- we're aware that they're running it. We'll
27 sometimes respond to calls related to it, and
28 sometimes we will augment their media schedule.

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1 Q. Let's cover media, and then we'll break for
2 a minute, give the reporter a break here.

3 What media does the Tri-County Regional Team
4 run, if you know offhand?

5 A. They've run different things over the
6 years. I don't know --

7 Q. Radio and television?

8 A. Radio and television. I think they've even
9 done some billboards.

10 Q. To your knowledge, are all of these forms of
11 media created by Asher/Gould or the Asher & Partners
12 organization in Los Angeles?

13 A. No.

14 Q. Who creates the media messages, to the best
15 of your knowledge?

16 A. TCRT has run media that's been youth-created
17 through a contest; TCRT has created its own spots,
18 prevention spots, using Sapito, S-a-p-i-t-o, which is
19 a toad that delivers prevention messages to youth; and
20 they've also developed a local public service
21 announcement about social sources of tobacco, which
22 is, again, another youth access. So lots of local
23 creativity, and also a lot of local creativity in
24 radio. Those were -- that I just covered, bus posters
25 and TV and also radio.

26 Q. Okay. Now, what media do you customarily
27 use as a local lead agency in the county?

28 A. Generally, we have piggybacked onto the

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1 campaigns that have been run by TCRT to maximize their
2 buy; so some of the locally created ones, I know they
3 did do -- I think they ran the -- in the media

4 augment, the ETS in bars, the waitress. It's called
5 the waitress spot.

6 Q. Uh-huh. "We bring you your coffee" --

7 A. Right, right.

8 Q. Okay.

9 A. What else have we done? We've done, again,
10 a number of youth-developed programs. We've done sort
11 of youth-developed murals that are turned into
12 videos. There's some Spanish-language prevention
13 materials that were recently developed.

14 So one of our goals is, it may not be as
15 flashy as what's coming out of the State, but it has
16 more of a local base to it.

17 Q. Okay. Any media that you can recall
18 developed on a local level dealing with ETS?

19 A. There was a campaign that was predominantly
20 print and radio. I can't remember the exact message.
21 It was probably in '94.

22 Q. Okay.

23 A. And I think it was about two to three weeks
24 in duration.

25 MR. L'ORANGE: Okay. All right. Let's take
26 a break and let Madam Reporter --

27 (Short break.)

28 Q. BY MR. L'ORANGE: Have you learned through

2 dealt with secondhand-smoke problems present in condo
3 projects and apartments?

4 A. I believe that it was included in our
5 notebook at the ETS training in September of '99.

6 Q. Okay. To your knowledge, was any of that
7 SAFE material distributed to condo owners or condo
8 developers here in Santa Barbara County?

9 A. Not to my knowledge.

10 Q. You've already explained to us what the
11 Tri-County Regional Team does. What about an
12 organization called SCAT, Social Change Around
13 Tobacco?

14 A. That's our competitive -- that's the acronym
15 for our competitive grant, the current one with those
16 four agencies.

17 Q. Okay. So the record's clear, when you talk
18 about the four agencies, they are the four that you
19 identified for us earlier: the American Lung, the
20 Santa Ynez --

21 A. Right. The Girls --

22 Q. -- Girls Incorporated?

23 A. Right, exactly.

24 Q. Do you have any knowledge as to the number
25 of schools or school districts within Santa Barbara
26 that are tobacco-free?

27 A. I believe 100 percent.

28 Q. And --

1 A. Again, in theory. I think they've all been
2 signed off by the State as being tobacco-free.

3 Q. All right. Let me take you through some
4 documents that -- strike that. I can't do that until
5 Karen gets back.

6 As the local lead agency, are the progress
7 reports that you submit a form of evaluation on how
8 successful your programs have been?

9 A. I'm going to answer more open-endedly than
10 that. They are a documentation of the activities that
11 have been done in that given report period. In some
12 cases they are a tooting of our horn, so to speak,
13 about the good stuff and any significant progress.
14 And, in general and as of late, they contain
15 evaluation of some of the components of that plan
16 during that period.

17 Q. Okay. Is there any organization that
18 evaluates you as a local lead agency?

19 A. TCS monitors our activities via the progress
20 report and direct phone or site-visit contact, which
21 the site visits are rare.

22 Q. Okay.

23 A. But we don't -- to the best of my knowledge,
24 our county specifically has not been part of an
25 outside independent evaluation.

26 Q. Okay. The four agencies that you talked
27 about earlier that are part of the '97-to-'01 plan,
28 are the progress reports that are submitted -- do they

1 analyze the activities of each of those four agencies?

2 A. They report them.

3 Q. Okay. Is there any attempt to evaluate the
4 success of the programs as implemented by those four
5 agencies?

6 A. In the areas where it had been previously
7 documented that we would do evaluation, yes.

8 Q. Okay. Tell me, when you say in the areas
9 where it's been previously documented, how do you
10 decide whether you're going to evaluate or not
11 evaluate?

12 A. Well, number one, we contract with an
13 evaluation specialist who, based on -- we begin the
14 evaluation process during the planning process, not
15 after. So we have sort of a framework: We're going
16 in this direction; what would be the best way to
17 assess progress or success, as it were?

18 And, for example, I'll give you the
19 smoke-free Chumash Casino Day, which happened in
20 November of '99, as an example. In the work plan,
21 before we ever set out to see if we could get a day,
22 we knew that if there was to be a smoke-free day in
23 that casino, we would want to know what employees and
24 patrons thought about that before, during, and after
25 the event, as a measure, not necessarily of the
26 success of the event, but as to assess community
27 attitudes about that to provide, then, information
28 back to that casino and maybe the networks and other

1 entities.

2 So that would be an example of the type of
3 evaluation that might be contained in a progress
4 report, and that is preplanned when we write up the
5 work plan. But we don't do that kind of survey,
6 community survey work with every activity that we do.

7 Q. Okay.

8 A. And, I mean, you asked how we determine it.
9 It is with the help of an evaluation assistant -- I
10 mean, a lead evaluator, a doctorate who does these
11 things, and also based on practicality. And the idea
12 is that we evaluate those things that either are not
13 known in the literature or that would be of use to us
14 locally in planning other programs in the future.

15 Q. Is there a specific evaluator that you
16 customarily use; or when you are creating the
17 possibility of evaluation, in the planning process, do
18 you simply let an RFA out and see who responds?

19 A. We have a set evaluator.

20 Q. And who is the set evaluator?

21 A. Dr. Michael Furlong, F-u-r-l-o-n-g.

22 Q. And is he with the university?

23 A. He's with UCSB in the Department of
24 Education, Ed/Psych, it is.

25 Q. And his job is, depending on the nature of
26 the activity and what you've planned for, to come in
27 and conduct some form of evaluation based on what you
28 think you want when you're planning it out?

1 A. No. Actually, he provides us with technical
2 assistance about the types of evaluation that we
3 should conduct. And we generally use UCSB students,
4 either post-grads or doctoral or master's candidates
5 to do the direct research.

6 Q. Okay. Direct research, are these usually
7 telephone surveys?

8 A. Can be community intercept surveys, focus
9 groups. We have done some telephone surveys, but it's
10 not always telephone.

11 Q. Now, are the results of your evaluation
12 process generally in the progress reports when you
13 have built in the evaluation in your planning?

14 A. Yes.

15 Q. All right. If it's not built in, but you
16 decide to do an evaluation, is that customarily
17 included in your progress reports?

18 A. Yes.

19 Q. Okay. Have you at any time seen the Gallup
20 Poll data customarily called the Wave 1?

21 A. I remember having it presented at a
22 conference, and I am sure it is one of many documents
23 that has passed my desk.

24 Q. Okay. Have you ever seen data that was
25 compiled by the IOX company, I-O-X, in roughly 1994,
26 and it was an evaluation of the program from 1989 to
27 about 1991?

28 A. I vaguely remember the document.

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1 Q. Okay. Have you seen the results of the
2 telephone surveys conducted under the CATS Program and
3 the California Youth Telephone Survey Program as well?

4 A. Yes.

5 Q. All right. Is your knowledge about this
6 data general, in the sense that it's something that
7 you see as a part of your job duties, but you don't
8 necessarily sit down and thoroughly investigate the
9 mode of analysis, the type of modeling done, the
10 statistical analyses that are conducted by the
11 investigators?

12 A. Yes, to the latter part. And depending on
13 workload and the fit between the particular report and
14 a range of activities that we're doing locally at the
15 same time would indicate how much attention I would
16 pay to any one of these. I mean, volumes that come
17 across.

18 Q. So in other words, to the extent you read
19 them, you read them for general content and not any
20 more; is that a fair statement on my part?

21 What I'm really asking is, Do you sit down
22 and make any type of quantitative analysis given the
23 numbers that are presented to determine the type of
24 model that's been used, how the author has determined
25 statistical significance to the figures they're using,

26 any of those considerations?

27 A. I don't remember doing that with those

28 specific documents, but both my primary staff person

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1 and myself do have master's in statistical and

2 evaluative training, and I do -- when it's a piece of

3 research that is presented to me that I may have to

4 repeat or that interfaces, again, with something we're

5 doing, we definitely look at the sample size, the

6 methodology, and sort of try and understand how it is

7 that the decisions or conclusions are being reached.

8 I feel it is my role, especially in areas

9 where I'm going to be passing on information, to at

10 least have an understanding of the work that comes

11 across. But I do not remember doing that in specific

12 with the documents that you previously mentioned.

13 Q. Okay. The Wave 1 data, the IOX data, and

14 the CATS surveys?

15 A. Correct.

16 Q. Now, has Santa Barbara conducted any type of

17 evaluation on the success of its overall program over

18 the last ten years --

19 A. No.

20 Q. -- in an effort to determine either the

21 number of persons reached or how well the message was

22 imbedded into the market that you're trying to reach?

23 A. No.

24 MR. L'ORANGE: Now Karen's back. Let me go

25 through some documents with you. I just want to make
26 sure that I understand how these things are laid out.
27 Karen, can I get the -- can I get the
28 progress report that begins with 008639? It covers

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1 July 1, '98, through December 31st, '98.

2 (Discussion off the record.)

3 MR. L'ORANGE: You want to mark that next in
4 order for me, please?

5 (Exhibit No. 142 was marked for identification.)

6 Q. BY MR. L'ORANGE: Ms. Dunn, let me represent
7 to you that what we're trying to do here is put a
8 process in place, and in all the depositions we try
9 and limit the number of trees we have to burn for the
10 litigation.

11 What I have is a marked Exhibit No. 142, and
12 I'll represent to you that it's the cover sheet and a
13 few identifying sheets and the last page of the
14 unmarked report that you currently have in front of
15 you. And the reason that we are attaching an
16 abbreviated copy is to limit the size of these
17 depositions with accompanying exhibits.

18 If you want to take a moment and just check
19 to confirm for yourself that Exhibit 142 is an
20 abbreviated version of the full report that you have
21 in front of you, what I want to do is go through a
22 portion of the full report just so we can get some

23 nomenclature straight.

24 At time of trial we're going to substitute a
25 copy of the full report for the abbreviated copy so
26 that the Court has a full record in front of it.

27 A. I concur that that is an abbreviated version
28 of the progress report.

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1 Q. Okay. Now, let's --

2 A. May I just make a comment?

3 Q. Sure.

4 A. Which is that I am not a staff person on
5 this grant. I obviously manage this staff person, and
6 I do not review this report prior to its submission,
7 although I understand the general nature of all the
8 projects. So I'm going to do my very best to answer
9 factually about the contents of this.

10 Q. No, that's fair enough. Let's start with
11 the original signature, just so that we can get that
12 straight on the record.

13 This is signed -- is it by Joan Krogh (sic)?

14 A. Jan Koegler, who was present as an observer.

15 Q. All right. She administers the program;
16 fair?

17 A. Right. A percentage of her time is funded
18 to manage this grant.

19 Q. All right. Now, if we start at the top, for
20 agency name, Santa Barbara County Public Health
21 Department is your agency, right?

22 A. Yes.

23 Q. All right. And if we come down to contract
24 number, there's a number for the contract, and then it
25 has contract amount, \$600,000.

26 A. Yes.

27 Q. All right. Now, that's for the term of the
28 contract, correct?

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1 A. Yes.

2 Q. All right. Then we go to contract term, and
3 we see it's essentially for about four and a half
4 years, from February 1, '97, to June 30 of 2001?

5 A. Yes.

6 Q. All right. Now, this particular reporting
7 period is what has been checked, July 1 of 1998
8 through December 31st, 1998?

9 A. Yes.

10 Q. All right. Now, one thing that got my
11 interest was you have a report period, and there are
12 various time frames that are included in that.

13 Do you have any understanding as to what
14 would lead to the selection of those time frames?

15 A. Under the report period area?

16 Q. Yes, ma'am. You'll see that, for instance,
17 it starts with July 1, '96, through December 31st,
18 '96; it ends with January 1, '99, through June 30,
19 '99.

20 Do you have any understanding as to why
21 those particular time periods would be included?
22 A. It's my understanding that it looks to me
23 like this cover sheet, which is developed by the State
24 and fed to us as a mechanism for reporting, was
25 developed prior to the augment; and the original grant
26 was for three years, and then they allowed us to apply
27 for additional funds.
28 I think we were at four by then. We got an

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1 additional 150- to extend out to '01, but it doesn't
2 appear to me that they have amended the report period
3 to include the additional check-box areas for those
4 final reporting periods. That would be my best guess
5 about why it looks like it does.

6 Q. Same question. Under final comprehensive
7 reports, if you look, you have what appear to be
8 roughly year periods of time or six-month -- or
9 actually longer than that. One runs from July 1 of
10 '96 through June 30 of '97; another runs from
11 December 15th of '96 through June 30 of '99. There
12 are various combinations of dates there.

13 Do you have any understanding as to why
14 those particular combinations are listed?

15 A. My sense is that the State is running
16 multiple contracts over different periods of time, and
17 these would fit with that. But that would probably be
18 better answered by the creator of the form.

19 Q. All right. Now, the next section down says
20 "Technical Assistance is requested in the following
21 areas," and budget has been checked.

22 A. Yes.

23 Q. Now, apparently you have a choice between
24 program and budget.

25 Do you have a personal understanding as to
26 what is meant by these two areas that you've checked?

27 In other words --

28 A. Yes.

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1 Q. -- technical assistance for the program
2 would be what?

3 A. We plan to do X, Y, Z with youth and create
4 a screen saver -- I mean, I'm just giving you a
5 concrete example.

6 Q. All right.

7 A. It winds up that the school system doesn't
8 have -- won't allow us to put screen savers in, and we
9 want to do a mural instead. So that would be sort of
10 a program component. It's not what was ordinarily
11 written in the application. We would talk -- we would
12 check this box if we wanted to talk it over with the
13 State.

14 Q. Okay.

15 A. Usually it would be something a little more
16 complicated than I just described. But then once we

17 had some consultation, we would revise that page or
18 pages of the scope of work, the narrative of those
19 activities, and submit them as a work plan revision.

20 Q. All right.

21 A. The budget area would be similar. It would
22 relate to the budget detail form and the budget
23 justification. So, for example, perhaps a mural would
24 require an artist consultant and supplies that weren't
25 necessarily needed in the execution of a screen
26 saver. So it would require us to move money around in
27 the budget, something to that effect.

28 Q. Okay.

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1 A. In other words, we can't do that
2 willy-nilly. We sort of need authorization. And if
3 it's a complicated issue, at the time of the progress
4 report, we will check one of those boxes.

5 Q. Okay. Now, let me, if you would for a
6 moment, draw your attention to what has been
7 Bate-stamped in the full report 8642.

8 If you look in the right-hand column, you'll
9 see designation SBA. This is the document -- these
10 are in seriatim order, by the way.

11 A. Got it.

12 Q. The project staffing form, I take it,
13 basically identifies whomever it is from your group
14 and what job function they will be performing?

15 A. Yes.

16 Q. All right. So in this particular instance,
17 Ms. Koegler is the grant manager, and she's spending
18 25 percent of her time administering this program?

19 A. Yes.

20 Q. Okay. Now, the next page over, 8643, I
21 recognized when we -- as we've gone through our
22 testimony, that it identifies the four subcontractors
23 and then Dr. Furlong, who is your evaluation
24 consultant?

25 A. Correct.

26 Q. All right. And the purpose of pages 08643
27 and 08644 is to delineate what their activities have
28 been over the particular period covered by this

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1 report, as well as the monies expended, true?

2 A. Yes.

3 Q. Now, when I look at, for instance, contract
4 amount, is that the amount of money that was actually
5 expended? And I'm looking at the American Lung
6 Association between March 1, '97, and December 31st,
7 '99. Or is that the amount that was contracted for,
8 and we don't know yet what's been expended?

9 A. Yes -- or let me clarify. That particular
10 column would indicate the total contract amount. And
11 this form has been amended, to the best of my
12 knowledge, at least for the LLA, to include a column
13 for actual expenses during that report period. That

14 is completed in the cost report. And I believe that
15 you'll find a corresponding subcontract or consultant
16 mini-grant tracking form in the cost report listing
17 the same agency with the actual dollar amounts for
18 that report period.

19 Q. All right. Let me make sure I understand
20 what you're telling me.

21 Of the contract amount of \$600,000, the
22 American Lung Association is authorized, between
23 March 1st of '97 and December 31st of '99, to spend
24 \$127,624 of the \$600,000? That's their allotment, if
25 you will?

26 A. Yes.

27 Q. And was I correct? The start and end dates
28 are the dates of their contract?

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1 A. Yes.

2 Q. All right. Now, I noted that if you
3 continue on to page 8645, there are additional
4 personnel that are listed. I take it these are
5 consultants that assist Dr. Furlong in gathering the
6 data that he then evaluates for you?

7 A. Yes, or that we evaluate under his guidance.

8 Q. All right. Now, when you evaluate data
9 under his guidance, is there someone on your staff
10 that does the evaluation?

11 A. These consultants in this report period were
12 responsible for data gathering, data entry; we use one

13 of two statistical software packages, and then the
14 results are reviewed by Dr. Furlong. Many of the
15 statistical calculations are not extremely
16 sophisticated. We are not doing research.

17 Q. Okay. So basically they gather, enter it,
18 crunch it. He reviews it; then he sits down and talks
19 about the results with you?

20 A. Generally, we write up a report, either our
21 consultant staff or under our review, which we then
22 present to Dr. Furlong for final review and
23 consultation unless there is a problem --

24 Q. Okay.

25 A. -- either in data gathering or what parts of
26 the data that have been gathered should be crunched in
27 what way.

28 Q. Okay.

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1 A. But, again, we're not even presenting T-test
2 data or chi-square data or anything that really
3 approaches the need for statistical significance or
4 competence. We do try and use sample sizes that are
5 large enough that if we wanted to report this, people
6 wouldn't say, "Oh, well, 30 people don't mean
7 anything," but --

8 Q. Has some statistical power behind it?

9 A. Exactly.

10 Q. Now, I looked -- I then went through the

11 report -- and let me just establish, you have prepared
12 reports in the past in this form, have you not?

13 A. Yes.

14 Q. All right. Now, one of the things that I
15 noted was, if you look at page 8648, in the left-hand
16 corner about a fourth of the way down, there's a
17 notation; it says, "Priority, reduce exposure to
18 environmental tobacco smoke."

19 When we say "priority," is that one of the
20 three State goals? Yes?

21 A. Yes.

22 Q. Now, the report itself seems to be broken
23 down into thirds, where all activities, for instance,
24 concerning ETS are listed together, all activities
25 concerning countering pro-tobacco influences are
26 listed together, and all activities that concern
27 restricting youth access are listed together.

28 Now, would that be a fair statement from my

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1 standpoint?

2 A. Yes. The reports are organized by priority
3 areas in this funding cycle.

4 Q. Okay. Now, if I'm someone who has never
5 seen this report before, but I want to find out what
6 you've done for the reporting period of July 1, 1998,
7 through December 31st, 1998, dealing with
8 environmental tobacco smoke, I would go to Section 1
9 of your report, and I would read through all of the

10 entries contained in the report?

11 A. Yes.

12 Q. All right. Now, is it the purpose of your
13 organization as the local lead agency to list
14 everything that has occurred in this report period
15 that deals with ETS, or is there essentially kind of a
16 qualitative assessment that you go through and you
17 say, "Well, I'm going to include this activity, but
18 I'm not going to include this activity"? In other
19 words, anything that happened with ETS is contained in
20 this report for this report period?

21 A. To the best of our knowledge, anything that
22 our agency under this contract, with these
23 subcontractors and consultants, has done during this
24 period would be reported herein.

25 Q. All right.

26 A. And attached.

27 Q. Now, what is not reported here would be
28 perhaps other ETS activities conducted by the

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1 volunteer health agencies, American Lung -- not under
2 this contract -- American Heart, someone else in the
3 County handling ETS activities, but not funded through
4 this contract?

5 A. Unless there was a collaboration. And this
6 would probably be more prevalent in the local lead
7 agency plan than in the competitive grant because we

8 have a little more flexibility.

9 Q. Okay.

10 A. So, for example, I'll use the Great American
11 Smokeout as an activity. That is a Cancer Society
12 driven activity; however, if we collaborate with them
13 and there is an information table and there is, for
14 your purposes, ETS, I mean, that would be more of a
15 cessation outreach activity. Then it would be noted;
16 that collaboration would also be noted.

17 But, in general, these progress reports
18 track our activities under this funding source and do
19 not track or report ETS activities by outside agencies
20 unless there's a collaboration.

21 Q. All right. Now, once you work your way
22 through their report, you come to a section -- and
23 you'll see it at 8718. And it basically says
24 "Documentation."

25 A. Yes.

26 Q. Now, again, so the record is straight,
27 Operation SCAT is the grant being administered by your
28 organization as a local lead agency using the four

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1 subcontractors you previously identified for us?

2 A. Yes.

3 Q. Now, documentation, what is included in the
4 documentation portion of this report?

5 A. When we develop the work plan -- and I'm
6 going to backtrack a little because I think this will

7 clarify this point -- one of the columns -- and I will
8 refer to Bates 08649, which is the second marked page
9 in the work plan --

10 Q. 08- --

11 A. -- -649.

12 Q. Got it.

13 A. If you see Column 4, it's called "Tracking
14 Measures." So when we submit the plan, we essentially
15 say the kinds of things -- and we specify what we'll
16 submit and/or keep on file in the office -- that
17 demonstrate that we did what we said we were going to
18 do under Column 1, which would be objectives,
19 activities, or evaluation.

20 So for the most part, what is included in
21 documentation are those tracking measures identified
22 in Column 4 of the work plan.

23 Q. Okay.

24 A. That may vary in that we may get some
25 documentation that we hadn't previously thought would
26 exist, and we would attach it if it was appropriate
27 and germane to the activity; and/or we may say we
28 would create something, for example, a database which

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1 we found was too cumbersome, or, you know, we would
2 then report that we did not have a database, but we
3 were submitting such and such instead.

4 So that's pretty much included -- what's

5 included in documentation and where the rationale for
6 the inclusion comes from.

7 Q. All right. Now, if I'm -- is the progress
8 report the best source of information for the
9 activities that have been undertaken by the
10 contractors in Operation SCAT, or are there any other
11 documents that are a better source of information?

12 A. This is the best source, to my knowledge.
13 Every single project deliverable that those
14 subcontractors have produced during their report
15 period is included as an attachment and narrated in
16 the progress report.

17 (Discussion off the record.)

18 (Short break.)

19 (Exhibit No. 143 was marked for identification.)

20 Q. BY MR. L'ORANGE: Okay. Ms. Dunn, what I'm
21 going to do is go through a series of the State -- or
22 the progress reports submitted by the local lead
23 agency.

24 Let me represent to you that these came out
25 of your files. You'll know that if you look at the
26 lower right-hand corner of each of the documents;
27 there's an SBA number, and the SBA stands for
28 Santa Barbara. It's our internal way of tracking the

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1 documents in terms of the number we have. But these
2 are out of your files and were a result of the
3 document production that you folks kindly produced for

4 us last year.

5 With respect to Exhibit 143, have you seen
6 this document before?

7 A. Yes.

8 Q. Do you know, is this a local lead agency
9 progress report in the form that it was submitted
10 during the time period January through August of 1990?

11 A. Yes.

12 Q. All right. Do you know, who is -- is it
13 Dena Rubin?

14 A. Yes.

15 Q. Do you know who she was?

16 A. Yes.

17 Q. And could you tell us, please?

18 A. She was the program manager for the Tobacco
19 Control Program at the County of Santa Barbara, and
20 she also was an MPH.

21 Q. And for how long did she serve as program
22 manager?

23 A. I don't recall. Several years.

24 Q. Okay. Was she the person you ultimately
25 replaced?

26 A. Yes.

27 MR. L'ORANGE: All right. If I can -- if I
28 could ask you, please --

2 Q. BY MR. L'ORANGE: Now, ma'am, let me hand to
3 you what has been marked as Exhibit 144. Again, it's
4 the abbreviated copy of the full report which I'm also
5 going to hand to you. You may want to take a moment
6 just to satisfy yourself they're both the same
7 document.

8 A. (Witness complies.)

9 Yes, I'm satisfied they are the same
10 document.

11 Q. Okay. Now, ma'am, with respect to -- is it
12 144? Yeah -- with respect to 144, are you familiar
13 with Ms. Rubin's signature?

14 A. This is Ms. Rubin's signature.

15 Q. All right. And do you recognize this
16 document as a local lead agency progress report in the
17 form that that document would have been submitted in
18 January and June -- January 1991/June 1992 time
19 period?

20 A. Yes.

21 Q. Now, this report period encompasses roughly
22 18 months. Do you have any personal understanding as
23 to why this report would encompass a period of that
24 length?

25 A. I believe that there were certain guidelines
26 initially by the legislation in terms of reporting
27 back to the State legislature in terms of
28 effectiveness in the initial enabling legislation, and

1 there was an 18-month window to sort of document and
2 demonstrate what Prop 99 Programs could do at the
3 local level.

4 Q. Okay.

5 (Exhibit No. 145 was marked for identification.)

6 Q. BY MR. L'ORANGE: Again, Ms. Dunn, what I'm
7 handing you is Exhibit 145. I've also placed an
8 unmarked complete copy of the report in front of you.

9 Do you recognize those as being the same
10 document?

11 A. Yes, they are the same document. Unlike the
12 other abbreviated versions, this one does not end with
13 the last page.

14 Q. Okay. We'll correct that to make sure that
15 it does. Put a notation.

16 Now, again, do you recognize the signature
17 at the bottom of the page?

18 A. This is Dena Rubin's signature. And this is
19 the LLA progress report for 7/1/91 through 12/31/91.

20 Q. Okay. And do you recognize it in the form
21 that it had to be submitted during that period of
22 time?

23 A. Yes.

24 (Exhibit No. 146 was marked for identification.)

25 Q. BY MR. L'ORANGE: Great. Okay. Now, ma'am,
26 if I may, let me show you what has been marked as
27 Exhibit 146. And I'll also place an unmarked copy of
28 the report in front of you.

1 Just take a moment and satisfy yourself that
2 the abbreviated copy, indeed, is an abbreviation of
3 the unmarked copy.

4 A. (Witness complies.)

5 This is a competitive grant. Are you trying
6 to do all LLAs?

7 Q. I'm sorry. Yes. All I wanted was LLAs.

8 A. The grantee has a different contract
9 number.

10 Q. All right.

11 A. See that? The LLA has 89 as the prefix.

12 Q. These are 29. Got it.

13 All right. Then let me withdraw 146 and ask
14 you to look at what's going to be marked as 147.

15 (Exhibit No. 147 was marked for identification.)

16 Q. BY MR. L'ORANGE: And let me give you the
17 full copy of 147.

18 Okay. Have you made a comparison between
19 what has been marked as Exhibit 147 and the full
20 report which we have before you in its unmarked
21 status?

22 A. Yes.

23 Q. Okay. Now, if I may, on the full report for
24 a minute, there was a signature we couldn't quite make
25 out.

26 Do you recognize that?

27 A. Jayne Brechwald, previously mentioned, my
28 supervisor.

1 Q. Okay. And do you recognize this as a local
2 lead agency progress report in the form that it had to
3 be submitted for the period January 1, 1993, through
4 June 30, 1993?

5 A. Yes.

6 Q. Did you have any involvement in the creation
7 of this report at all?

8 A. Yes.

9 Q. What was your involvement?

10 A. I think I wrote it.

11 Q. Okay.

12 A. With staff assistance. And it may be that I
13 was not formally the project manager at the time, and
14 Jayne was the project manager of record in Dena's
15 absence. Dena Rubin, who had previously been the
16 program manager, had probably left the program, and I
17 hadn't fully replaced her in that capacity. So my
18 supervisor was the signature of record that the State
19 had on file.

20 (Exhibit No. 148 was marked for identification.)

21 Q. BY MR. L'ORANGE: All right. Now, if I may,
22 let me show you what's been marked as Exhibit 1 48.

23 I will show you the full report that has
24 been unmarked. Satisfy yourself they're both the same
25 document.

26 (Discussion off the record.)

27 MR. L'ORANGE: Let the record reflect that
28 what we're going to do is with respect to this

1 deposition and those depositions taken at the State
2 level and with the media provider, with the original
3 we are going to attach a complete copy of all of the
4 exhibits. The copies of the depositions forwarded to
5 counsel upon request will have only the abbreviated
6 exhibit to cut down on the copying expense. And at
7 time of trial, we'll produce the original for the
8 judge with a complete set of exhibits for his review.

9 Everybody okay with that?

10 Okay. Everyone agrees?

11 (Counsel nod their heads.)

12 Q. BY MR. L'ORANGE: On Exhibit 148 for project
13 director, that is your signature?

14 A. Yes.

15 Q. All right. And this is a local lead agency
16 progress report in the form that it would have been
17 submitted during the time period of July 1, '94,
18 through June 30, '96, or September 1, '94, through
19 June 30, '96?

20 A. Yes.

21 Q. Now, this says it is a final comprehensive
22 report. What exactly is that?

23 A. At the end of a contract term -- and you
24 will see that this is noted -- the contract term for
25 this is 7/1/94 to 6/30/96 --

26 Q. Okay.

27 A. -- and the date of this progress report is

28 August of '96. This is the six-month report for the

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1 six-month period between 1/96 and 6/30. It also
2 contains the final comprehensive report for the entire
3 two-year period.

4 So at the end of a contract period, whatever
5 that was deemed by legislature, we are asked to submit
6 in the form to the State at that time a final report
7 for that contract period's activities.

8 Q. What was your role in the creation of
9 Exhibit 148?

10 A. I prepared this with the assistance of
11 staff.

12 Q. Okay. And to the best of your knowledge,
13 this document and all the documents -- Exhibit 148 and
14 all the previous exhibits would be the best source of
15 information for the activities handled by the local
16 lead agency during the time periods covered in the
17 reports?

18 A. Yes.

19 (Exhibit No. 149 was marked for identification.)

20 Q. BY MR. L'ORANGE: Okay. Let me show you
21 what has been marked as Exhibit 149.

22 A. Did you want these in chronological order?
23 Because this -- this is signed '96; this is signed '95
24 (indicating), so you may have to sort these.

25 Q. That's fine. We'll --

26 A. Just a sidebar.
27 Q. We'll get them corrected.
28 A. Okay.

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1 Q. Again, do you recognize your signature at
2 the bottom of Exhibit 149?
3 A. This is my signature.
4 Q. And what was your role with respect to this
5 particular report?
6 A. I prepared the report with assistance of
7 staff.
8 Q. Okay. Now, again, this shows a grant term
9 of 7/1/94 through 6/30/96 and a report period of
10 July 1, '94, through December 31st, '94.
11 So this covers essentially the first six
12 months of the grant, correct?
13 A. Yes.
14 Q. Okay. And, again, would it be your
15 testimony that Exhibit 149 is the best source of
16 information about the activities overseen by the local
17 lead agency for the period indicated?
18 A. Yes.
19 MR. L'ORANGE: Okay. Madam Reporter, 150.
20 (Exhibit No. 150 was marked for identification.)
21 THE WITNESS: And I would concur that this
22 is an abbreviated form of the actual report, that
23 Exhibit 149 is the abbreviation.
24 Q. BY MR. L'ORANGE: Can you confirm for me

25 that Exhibit 150 that I've shown you is an abbreviated
26 version of the full report?

27 A. Yes, I will authenticate that Exhibit 150 is
28 an abbreviated form of the LLA State progress report

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1 for the period September 1, 1994, through
2 December 31st, 1994, and that this is my signature and
3 that I assisted in its preparation and prepared the
4 report.

5 Q. All right. Now, let me ask you this: The
6 final report is checked as well. Is that the final
7 report for the grant term of August of '92 through
8 December 31st of '94?

9 A. Yes. Once again, this looks like, at that
10 time we were reporting in quarterly segments, and this
11 would be the quarterly report for the fourth quarter
12 of 1994 and in the format as specified by the State,
13 the final report for that total two-year grant period
14 of August of '92 through December of '94.

15 Q. Okay. And, again, would it be your
16 conclusion that this Exhibit 150 is the best source of
17 information covering the activities overseen by the
18 local lead agency for the time period indicated?

19 A. Yes.

20 (Exhibit No. 151 was marked for identification.)

21 Q. BY MR. L'ORANGE: Great. Let me show you
22 now what has been marked as Exhibit 151, ask you to

23 take a moment to satisfy yourself that the abbreviated
24 version is an abbreviated version of --

25 (Discussion off the record.)

26 Q. BY MR. L'ORANGE: -- abbreviated version of
27 151.

28 A. Yes, this Exhibit 151 is an abbreviated

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1 version of the LLA progress report for that time
2 period.

3 Q. Okay. Now, just a couple things in term of
4 verification. This is a report submitted with a cover
5 in July 1, 1996, through December 31st of 1996, as
6 indicated on the face of the report, true?

7 A. Yes.

8 Q. All right. Now, that is your signature?

9 A. Yes.

10 Q. And as project director, you were
11 responsible for preparation of the report?

12 A. Yes.

13 Q. Who is the second signature?

14 A. It's Sharon Sheehan, which is S-h-e-e-h-a-n,
15 Bifano, B-i-f-a-n-o. And she is the coalition
16 chairperson for CEASE.

17 Q. Okay. Again, Exhibit 151 would be the best
18 source of information for all activities overseen by
19 the local lead agency during the time period
20 indicated?

21 A. Yes.

22 (Exhibit No. 152 was marked for identification.)
23 Q. BY MR. L'ORANGE: All right. Now, we have a
24 small deviation with the last exhibit, 152.
25 If I could ask you to examine and just
26 confirm that 152 is an abbreviated version of the
27 entire report.
28 A. (Witness complies.)

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1 The Bates number is upside down on this
2 one. Just for the record, this particular document is
3 completely nonconsecutive and backwards. I mean, this
4 needs to be recollated. It appears to be the same
5 document, but I'm struggling because it's not
6 numerically correct.
7 MS. THRO: There's numbers missing.
8 THE WITNESS: They're just in the wrong
9 place. Here's 319 -- and maybe I'm missing
10 something. So, for example, we jump from 9279 to
11 9- -- well, first of all, 9280. Oh, okay. 92- --
12 okay. Maybe it's just me. Hold on. Hold on.
13 Maybe it's just that there are some of them
14 that are turned around, which is confusing me. Okay.
15 Again, it appears just that it's a collation
16 problem rather than numbering problem. And just for
17 the record, the final page for the document is not --
18 like, here, just look at this and tell me if it's me.
19 This is 9396; we have 3886 --

20 MS. THRO: Oh. We had some other pages --
21 THE WITNESS: So --
22 MS. THRO: Starting from here.
23 THE WITNESS: Okay. So then, in fact, it
24 appears that this would be a summary. Then
25 Attachment 152 is a summary of the LLA Comprehensive
26 Plan, dated 1998 through 2001, which was revised
27 6/99.
28 Q. BY MR. L'ORANGE: All right. Now, this is a

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1 different document in the sense that it talks about a
2 comprehensive plan from 1998 to 2001.

3 Is this a document summarizing the
4 activities that will be conducted during this time
5 period, or is this a document that basically does
6 document what has been conducted during this time
7 period?

8 A. No. This is a planning document and a work
9 plan which road-maps what will be done rather than
10 what has been done.

11 Q. Now, with respect to the previous exhibits
12 that we've looked at that constituted a local lead
13 agency report, were each of the time periods for the
14 periods of the grant now -- not the reporting period,
15 the periods of the grant -- were they preceded by a
16 comprehensive plan document similar to Exhibit 152?

17 A. Yes, to the best of my knowledge.

18 Q. Okay. Are the comprehensive plans like 152

19 discarded once the funding has been approved, and then
20 you're actually into a grant period where you're
21 conducting activities?

22 A. No, they're not discarded. They shouldn't
23 be.

24 Q. Okay.

25 A. I mean, if it's -- it would be a clerical
26 error for a document such as this from a previous time
27 period to not be somewhere in my archives or in our
28 file.

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1 Q. Now, with respect to Exhibit 152, did you
2 play any role in the document at all?

3 A. I actually was on a maternity leave, which
4 turned into a long medical disability. I reviewed it,
5 and I was part of the revision, but I was on fairly
6 severely restricted duty. I did sign off on it. I
7 was alert but not fully present.

8 Q. Was your section tasked with the preparation
9 of the document?

10 A. Yes.

11 Q. So, in other words, people who worked for
12 you prepared the document?

13 A. Yes.

14 Q. Would they be preparing it at essentially
15 your direction?

16 A. Yes.

17 Q. And then you had an opportunity to review
18 it, sign off on it prior to submission?
19 A. Yes.
20 Q. Okay. Now, earlier we looked at reports
21 that dealt with competitive grantees. And what I want
22 to do is attach one to the record, but I'd like to get
23 your explanation of what's going on so that we
24 understand what we have here.
25 (Exhibit No. 153 was marked for identification.)
26 Q. BY MR. L'ORANGE: What I'm going to show you
27 is Exhibit 153 and give you the full report as well.
28 Just satisfy yourself --

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1 A. I think I already looked through this one.
2 Yes.
3 Q. Okay. Now, let me just take you through the
4 cover sheet for a moment here.
5 Are all competitive grantee contracts
6 prefixed with 96, as opposed to 89 for the local lead
7 agency?
8 A. I don't believe they all begin with 96, but
9 I do believe, to the best of my knowledge, that they
10 are a No. 9 sequence. So I believe our earlier
11 contracts were 95 something, something. So they may
12 go consecutively through. I know L.A. has always been
13 an 89 prefix.
14 Q. This particular document is signed off by --
15 is it Jan Koegler?

16 A. Koegler.
17 Q. And she works for you?
18 A. Yes.
19 Q. Now, this is -- looking at the document,
20 does this document summarize all of the activities of
21 the subcontractors that are working for your
22 department under the local lead agency grant?
23 A. Yes.
24 Q. Just as a point of clarification, because
25 I'm a little confused, the previous documents that
26 we've marked also had references to the activities by
27 the four -- by subcontractors or by the local lead
28 agency.

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1 And I guess what I'm confused about is what
2 is the difference between Exhibit 153 and the
3 remaining exhibits that we've previously marked in
4 terms of activities? Why are there two reports, I
5 guess is what I'm asking?
6 A. Well, first let me say that they are two
7 separate funding streams, and they are two separate
8 scopes of work that are articulated in this case; in
9 the case of the competitive grant, it would be through
10 the application process. And, you know, they were
11 both -- we applied for the monies under both.
12 But each of those two contracts have a
13 specified scope of work and budget. There are

14 references in the local lead agency, because we have
15 collaborative efforts that dovetail -- let me see if I
16 can give it a number value.

17 If you have \$127,000, which is my
18 recollection of what the Lung Association had for each
19 to conduct a campaign for three years, and you divide
20 that by three, you're not left with a lot of money per
21 year.

22 We, in turn, utilize that campaign and
23 provide in-kind activities that support that campaign
24 through local lead agency funding. So what we do --
25 and the reason that we would write a competitive grant
26 is, number one, that the community asked us to because
27 they didn't want to manage this grant; and, number
28 two, it allows us to maximize existing funds and

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1 extend sort of the types of programs we're doing with
2 our limited funds.

3 So there is collaboration and in-kind
4 activity from the LLA towards the competitive grant,
5 not in every effort, but in some. And when that is
6 the case, we, too, try and reference it as a matter of
7 documenting for the funding stream what LLA staff are
8 participating in because, for example, I'm not paid
9 under this contract at all. But I sometimes
10 participate in or lend some of my incentive budget or
11 my media budget to maximizing one of the activities
12 here.

13 Q. Okay. I understand now.

14 A. Does that --

15 Q. I'm tracking with you.

16 A. Okay.

17 Q. Okay.

18 A. So it's really not a duplication of

19 service. It may appear so on first reading; rather,

20 it is an in-kind donation and/or supplementation where

21 areas are maybe lacking in the competitive grant.

22 Q. Now, I think we understand what's being

23 reported under the previously identified exhibits

24 referencing the local lead agency.

25 With respect to Exhibit 153, do each of the

26 four subcontractors under the particular grant that's

27 referenced in Exhibit 153 -- do they submit a progress

28 report, or is this the single progress report

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1 documenting their activities over the period of time

2 specified in the report?

3 A. This is the single definitive progress

4 report for the competitive grant known as Operation

5 SCAT.

6 Q. Okay.

7 A. Each of the subcontractors presents to Jan

8 Koegler, the grant manager, their versions of this,

9 which she refines, collates, and creates one unified

10 agency progress report.

11 Q. All right. And for what we'll call the SCAT
12 grant, there would be additional progress reports
13 either broken out quarterly or semiannually?

14 A. Every six months.

15 (Exhibit No. 154 was marked for identification.)

16 Q. BY MR. L'ORANGE: Okay. Now, a couple
17 things for cleanup.

18 Let me show you what's been marked as 154
19 and ask you if you are familiar with the document at
20 all.

21 A. Yes.

22 Q. And you've seen it before?

23 A. Yes.

24 Q. Do you recognize it as a fax sheet from the
25 Tobacco Control Section?

26 A. Yes.

27 Q. When your department receives a fax sheet
28 like Exhibit 154, do you, in turn, transmit this

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1 information out to the residents of Santa Barbara
2 County through any of the subcontractors that you're
3 utilizing or, I guess -- let me strike that.

4 What happens to this information once you
5 receive it?

6 A. I'm thinking.

7 As I previously stated, a document like this
8 would generally be distributed at a CEASE meeting. I
9 believe in those days it would have actually been

10 attached -- something like this would go out in the
11 minutes of the CEASE meeting. Then, depending on what
12 activities we were doing at that particular time as it
13 would relate to the fact sheet, it would be
14 distributed as appropriate when there was other
15 information being sent out.

16 So, for example, I believe that at this time
17 we were doing some gathering of some information and
18 involved in some local public policy debates about
19 clean indoor air --

20 Q. Okay.

21 A. -- in our cities.

22 So then this kind of information would go to
23 businesses or local legislators, but only if there was
24 something topical on that issue in the local framework
25 right now. It wouldn't go mass distributed unless it
26 was linked to a local lead agency activity.

27 Q. Okay.

28 A. And I think that's what the LLA would do

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1 with this. And other than that, it would go in our
2 files where appropriate. And if we were doing a
3 presentation and we were covering what we'll call
4 Tobacco 101 --

5 Q. Right.

6 A. -- we would incorporate into the
7 presentation the latest facts about a range of topics

8 related to tobacco. And, obviously, in this time
9 frame with the EPA report and these kinds of fact
10 sheets, this would have been incorporated into the
11 presentation.

12 Q. Okay.

13 (Exhibit No. 155 was marked for identification.)

14 Q. BY MR. L'ORANGE: Let me show you what has
15 been marked as Exhibit 155, and again represent to you
16 this was taken out of your files.

17 Have you seen this document before?

18 A. I remember receiving it.

19 Q. All right. At the bottom of the second
20 page, which is 10641, there's reference to an
21 Information Exchange Conference, May 16 and 17, 1994.

22 Did you attend that event?

23 A. I don't believe so. I cannot remember. It
24 was probably a telephone conversation as opposed to an
25 in-person activity, but I can't recall if one of my
26 staff attended.

27 Q. Have you had any contact with either Project
28 TEACH, or is it Radio Bi- --

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1 A. Radio Bilingue.

2 Q. Any of the programs identified on the cover
3 sheet?

4 A. I believe that at some point one of our
5 Spanish-language subcontractors contacted Radio
6 Bilingue simply because they had prerecorded

7 Spanish-language public service announcements and
8 radio spots. I can't remember the exact detail.

9 Q. Okay.

10 A. And I know of El Gran Apagon Fiesta because
11 I'm a member of the Tri-County Regional Team, and it
12 was an event conducted in the Tri-County area. But I
13 wasn't a party to it in any way.

14 Q. Okay. To your knowledge, was the
15 information contained in Exhibit 155 incorporated for
16 use in any of the programs designed to reach the
17 Hispanic-Latino community in Santa Barbara County?

18 A. I'm not positive, with the exception of what
19 I previously mentioned in regard to the
20 Spanish-language media out of Radio Bilingue.

21 (Exhibit No. 156 was marked for identification.)

22 Q. BY MR. L'ORANGE: All right. If I could ask
23 you to take a look at what's been marked as
24 Exhibit 156 and take a look for a moment at the full
25 copy.

26 A. Yes, I recognize this document.

27 Q. All right.

28 A. May I see the last page?

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1 Q. Yeah, sure.

2 Do you have -- let me back up from there.

3 Was this an activity that was overseen by
4 the local lead agency in Santa Barbara County?

5 A. Yes.

6 Q. All right. Can you tell me what the purpose
7 of -- can you tell me what's going on here?

8 A. It's my understanding -- and I don't
9 remember reading this report in detail -- it came out
10 of the competitive grant that is managed by my staff.
11 And, obviously, it's a detailed evaluation of one
12 component of that program. And what it was trying to
13 do was establish base level or pretest for knowledge
14 and understanding about ETS in homes and cars, using a
15 random digit-dial telephone survey in targeted areas
16 throughout the county, and they used one community as
17 a control group that hadn't had any intervention. And
18 they were essentially trying to understand the ETS
19 components of the Project SCAT or the competitive
20 grant -- I think that's -- but specifically this data
21 was collected.

22 And it says in the second sentence on the
23 Bates No. ABS 011096, the data was collected using the
24 American Lung Association Tobacco Smoke Exposure
25 Questionnaire, which assesses smoking behaviors,
26 patterns, knowledge and attitudes of surveyed
27 individuals, and that it would be a baseline.

28 Q. All right. Now, let me draw your attention

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1 down to the middle of the page where it says "Method,"
2 and it makes reference to an American Lung Association
3 Tobacco Smoke Exposure Questionnaire survey.

4 Do you know who actually conducted this
5 survey? Are these the University of California
6 Santa Barbara people who are identified as
7 subcontractors to you --

8 A. Consultants and subcontractors, yes, in my
9 office with my telephones.

10 Q. All right. So these would be the students
11 who come over, do this program; and then between your
12 staff and Dr. Furlong, you then make some conclusions
13 based on the data?

14 A. Yes. And at that time we did have a
15 doctoral candidate who was working a fairly
16 significant percentage of time who really oversaw and
17 directly conducted and trained the undergrad or
18 postdoc -- I mean predoc candidates who were working
19 on the survey as well.

20 Q. Now, who wrote Exhibit 156? Was this a
21 combination of your staff and University of California
22 Santa Barbara researchers? your staff alone?

23 A. I believe it was a combination of my staff
24 and the UCSB evaluation team.

25 Q. And do you know who on your staff would have
26 played the predominant role, if you will --

27 A. Jan Koegler.

28 Q. Okay. As I was looking through this, I was

1 trying to get some idea as to when this survey was

2 conducted, and I can't --

3 A. Here it is. Okay. SBA 011097, first

4 sentence, top of the page, at the end of the sentence.

5 Q. Okay.

6 A. "Collected all data from May through July of

7 1997."

8 Q. Has there been any follow-up data, to your

9 knowledge, collected?

10 A. I'm not sure. I think that there's -- there

11 is supposed to be and -- you know, at the conclusion,

12 and the grant just ended in December of '99. And I

13 don't believe that that follow-up has been completed

14 yet. It will be.

15 Q. Okay. Was this a grant that covered only

16 Santa Barbara County? Because it makes reference in a

17 couple places in the document to Tri-Counties. Is

18 this something you're doing in the other two counties

19 as well?

20 A. The Tri-County Regional Team piggybacked,

21 also had an interest in a part of their work plan, to

22 the best of my knowledge, in this area and was going

23 to undertake to do it in a select number of

24 communities in the other areas, and --

25 Q. Other areas, you mean other counties?

26 A. Their purview is San Luis Obispo --

27 Q. Okay.

28 A. -- Santa Barbara, and Ventura.

1 Q. Right.

2 A. So they were going to use and model some

3 survey activities, I believe, in selected cities in

4 San Luis Obispo and Ventura using the same survey

5 instrument. And at the time, they shared our

6 evaluator; they do not anymore. And I believe they

7 did a brief survey. I mean, it's one of those

8 documents I remember seeing, and nothing stood out as

9 salient from the findings.

10 Q. Okay. To the best of your knowledge, are

11 you aware of any other survey regarding ETS that's

12 been performed in Santa Barbara County, other than

13 what's reflected in Exhibit 156?

14 A. No.

15 Q. Okay. Now, as a local lead agency, do you

16 ever liaison with the press?

17 A. Yes.

18 MR. L'ORANGE: All right. Ask you to mark

19 this next in order.

20 (Exhibit No. 157A was marked for identification.)

21 Q. BY MR. L'ORANGE: Now, when I say "liaison,"

22 does the press contact you to solicit information on

23 smoking issues that the press may decide to publish

24 from time to time?

25 A. Yes.

26 Q. All right. I'm asking you to look at

27 Exhibit 157A. Have you ever seen a copy of this

28 particular column before?

1 A. Yes.

2 Q. And, now, let me also represent to you this

3 was taken from your files. But do you have a

4 recollection of actually reading the original column

5 when it appeared on or about September 29th, 1996?

6 A. I believe someone either interagency or from

7 the coalition had submitted a copy. I don't believe I

8 read it on the day it came out.

9 Q. Okay. To your knowledge, did your

10 organization as a local lead agency interface with the

11 author of this column in any way to provide any

12 information to her?

13 A. No.

14 Q. Okay. Do you know if anybody who was part

15 of the CEASE coalition interfaced with the author in

16 any way?

17 A. I'm scanning the document, and if you'd

18 like, I can read it verbatim. But it's my

19 understanding this is a syndicated -- she's a

20 columnist but that she is borrowing data from

21 syndicated columns that were -- appeared in the

22 national press at the time, and editorializing. And I

23 don't see one local statistic or reference to anything

24 that would have been localized, although it wouldn't

25 be uncommon for something like this to be asked of us

26 or a member of a community agency.

27 Q. Okay. Now, the Santa Barbara News-Press, is

28 that the primary newspaper in the community?

1 A. It is the only daily newspaper in the county
2 of Santa Barbara that serves the entire county.

3 Q. To your knowledge, over the last five years,
4 has the Santa Barbara News-Press run other articles
5 dealing -- either articles or editorials dealing with
6 ETS?

7 A. Yes.

8 Q. Okay. So it's been a topic that has been
9 discussed in the newspapers?

10 A. There have been editorials and commentary,
11 as well as local and national coverage of tobacco, in
12 general, and ETS in specific, over the last five
13 years.

14 MR. L'ORANGE: Let me consult with my
15 colleague here.

16 THE WITNESS: I'm going to do a quick
17 jump --

18 MR. L'ORANGE: Okay.

19 (Short break.)

20 (Exhibit No. 157B was marked for identification.)

21 Q. BY MR. L'ORANGE: If I could ask you to take
22 a look at Exhibit 157B for a moment, and I'll
23 represent to you that that was extracted out of your
24 files.

25 Do you have any recollection of seeing this
26 article when it appeared on or about July 28th, 1995?

27 A. I vaguely remember it, yes.

28 Q. Okay. There are several specific health

1 risks that are mentioned in the article related to
2 children's exposure to ETS.

3 To your knowledge, was this information in
4 any way communicated to the members of CEASE at any
5 time over the ten years of the organization's
6 existence, that you're aware of?

7 A. This specific reference?

8 Q. Well, any reference to children getting
9 respiratory infections, tonsillitis, laryngitis, and
10 bronchitis as a result of ETS.

11 A. You would have to refer to the CEASE
12 minutes. But it would be my best guess that at the
13 time that the Surgeon General's report came out
14 detailing the specific -- the United States Surgeon
15 General's report, detailing the specific effects of
16 ETS on children, that the highlights of that would
17 have been reviewed --

18 Q. Okay.

19 A. -- at a CEASE meeting.

20 Q. Okay.

21 A. As a brief topic rather than an entire
22 presentation.

23 Q. Do you have a recollection at or about what
24 time the Surgeon General's report came out with
25 respect to the health effects of ETS in children? Is
26 that '93? '94?

27 A. I want to say '94, but I think that's what

1 Elders -- somewhere between '93 -- and I assume it has
2 to precede the State law, but I'm not positive.

3 Q. Okay.

4 A. And then the other pertinent arena in this
5 regard would be the '98 or '99 Cal EPA report which
6 further details evidence about ETS and health risks.

7 May I clarify one other point?

8 Q. Sure.

9 A. Most of the members of CEASE are neither
10 scientists nor statisticians nor are researchers.
11 Many of them don't even work. The people who come to
12 our meetings -- it's my job and my staff's job -- our
13 meetings are very interactive, and CEASE is really
14 concerned with community-level change, and this kind
15 of information really wouldn't be that pertinent to
16 them.

17 (Exhibit No. 158 was marked for identification.)

18 Q. BY MR. L'ORANGE: All right. Let me show
19 you what we've marked as Exhibit 158 and represent to
20 you this was the only budget document that we found in
21 the materials that your office provided.

22 Have you seen this document in the past?

23 A. I believe that Jan wrote it to me as an FYI.

24 Q. Okay. You talked about at one point -- and
25 I may be getting my facts confused given the length of

26 the deposition -- but there was an augmentation at one
27 point to a grant. Is that what's going on here?

28 A. It appears that -- I'm not clear if this is

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1 a routine revision based on changes in the agency's
2 staffing and/or scope of work, or if this specifically
3 reflects the application for the augment funds.

4 Q. Okay. Now, is this budget in the form that
5 is normally submitted to the Tobacco Control Section
6 when you are requesting either a new grant or an
7 augmentation of an existing grant?

8 A. This budget is in the form of the
9 competitive grant as it relates to a subcontracting
10 agency and as it would relate to a revision. And if
11 you look at Bates No. -- page SBA 006161, when you
12 look at the columns, you'll see that there's a prior
13 approved amount, Column No. 3 -- there are three
14 number 3's, and they read, "Prior Approved Amount,"
15 "Adjustment," and "New Approved Amount."

16 Q. Right.

17 A. So that particular format is a revision
18 format as opposed to an application format.

19 Q. Okay.

20 A. And it indicates a change in a line item and
21 approval thereof, and the budget justification that
22 follows this would be a standard --

23 Q. You're referencing 06162?

24 A. Yes. And the supporting pages that follow.

25 Q. To your knowledge, are there additional
26 budget documents that would give us some idea of what
27 has been expended through the competitive grants that
28 the LLA has received or would document the

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1 expenditures by the LLA?

2 A. May I clarify?

3 Q. Sure.

4 A. You previously stated that in the mass of
5 documents that you received from our office, this is
6 the only document that refers specifically to fiscal
7 matters for either competitive grant or LLA?

8 Q. That's what I've been told.

9 A. Well, there should be corresponding cost
10 reports for the LLA and budget documents for the
11 competitive grants respectively, the one previously
12 mentioned and this current one in our office.

13 Q. Okay. Now, we had somebody go back through
14 the documents to look for cost reports, and we could
15 not find any. If we could impose upon you, and, if
16 necessary, we can supply somebody who will come down
17 and just make the copies if you all want to pull it
18 for us.

19 A. And you want these for the past ten years?

20 Q. Sure.

21 A. Time frame?

22 Q. What is convenient for you?

23 A. I -- this week is out because we're not in
24 the office, so I need -- at least to get them in my
25 hands, I need at least until the end of next week.

26 Q. That's fine.

27 A. Then we'll make arrangements for copying.

28 Q. We'll contact you a week from Friday and

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1 just see what looks good.

2 All right. Has the level of public
3 awareness of the dangers of environmental tobacco
4 smoke increased over the ten-year life of the program
5 where you functioned as the local lead agency?

6 A. I think so.

7 Q. Did the Public Health Department have any
8 baseline of public awareness that it could measure
9 against to determine how much of an increase there's
10 been?

11 A. No.

12 Q. Based on your overseeing the activities of
13 the local lead agency, is it your belief, representing
14 the local lead agency, that it's done a pretty good
15 job reaching the various components of society within
16 Santa Barbara County about the dangers of ETS?

17 A. I find the question a bit vague and --

18 Q. Yeah, I'll agree.

19 A. -- leading. And with that caveat, I will
20 answer to the best of my ability.

21 Q. Fair enough.

22 A. I think we've done an adequate job given the
23 level of funding that we have and the nature of
24 subcontractors as they are. I would say, though, that
25 in my estimation, there is a large part of the
26 community that we haven't reached in any measurable
27 way through our direct efforts.

28 Q. To your knowledge, are there any other

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1 organizations who are making efforts to reach those
2 populations that may not be funded through the source
3 of funding that you have?

4 A. None that haven't been previously mentioned
5 in this deposition.

6 MR. L'ORANGE: Okay. I think that's it. We
7 thank you.

8 THE WITNESS: Thank you.

9 (Discussion off the record.)

10 MR. L'ORANGE: Counsel have agreed that a
11 copy and not the original will be forwarded to him so
12 that he can have the witness review it; and the
13 witness and counsel have agreed that corrections will
14 be filed with the court reporter within 30 days of
15 receipt of the deposition copy.

16 MR. CZULEGER: That's fine.

17 (The deposition was concluded at 4:00 p.m.)

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1 DEPONENT'S DECLARATION

2 STATE OF CALIFORNIA,)
)
3 COUNTY OF SANTA BARBARA.)

4

5 I, DAWN DUNN, hereby declare:

6 I have read the foregoing deposition
7 transcript and identify it as my own and approve
8 same.

9 I declare under penalty of perjury under
10 the laws of the State of California that the
11 foregoing testimony is true and correct.

12 Dated this day of ,
13 2000, at , California.

14

15 DAWN DUNN

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1 REPORTER'S CERTIFICATE

2

3 STATE OF CALIFORNIA,)
) ss.
4 COUNTY OF SANTA BARBARA.)

5 I, KELLY D. TAYLOR, CSR 10808, a Certified
6 Shorthand Reporter for the State of California,
7 do hereby certify:

8 That, prior to being examined, the witness named
9 in the foregoing deposition, to wit, DAWN DUNN, was by
10 me duly sworn to testify the truth, the whole truth,
11 and nothing but the truth;

12 That the deposition of the witness in this
13 proceeding was taken down by me in stenotype at the
14 time and place therein named and thereafter reduced to
15 typewriting by computer-aided transcription under my
16 direction.

17 I further certify that I am not interested in the
18 event of the action.

19

20 WITNESS my hand this 12th day of April, 2000, at
21 Santa Barbara, California.

22

23

24

Certified Shorthand Reporter
State of California
CSR No. 10808

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